# Uniform General Safety Act

A discussion paper

Alberta

LABOUR
General Safety Service Division

MESSAGE FROM THE MINISTER

**SAFETY FOR ALBERTANS IS A CO-OPERATIVE EFFORT**

Albertans expect a high level of safety in their daily activities. They expect buildings to be structurally sound and comfortable, and electrical, plumbing and mechanical systems to work properly. Where fire and related emergencies arise, they expect an effective response. To maintain this level of safety, the statutory and regulatory framework must support joint efforts of many parties, across a wide range of circumstances, over a long period of time. Provincial and municipal governments, owners, engineers, architects, contractors, manufacturers and vendors must each undertake clearly identified and mutually supportive roles.

A clearly written, comprehensive and contemporary legislative framework is a key element of support for all participants in safety. That is why we started, and are continuing, a process to revise current statutes and regulations. As Minister of Labour, I want a legislative framework that will better support everyone's efforts to provide enhanced safety for Albertans.

## The Process of Revision

Because so many Albertans -- government inspectors, owners, professional designers and project managers, builders, sellers and user advisory committees -- co-operate to deliver safety for all of us, it is only appropriate that the process for revising legislation (statutes and regulations) be a co-operative one as well.

At every stage of the process, we are asking for your participation. We want your comments and ideas. We want a legislative framework that works.

## Phase I - Principles

We first conducted an extensive consultation with key players in Alberta's general safety system. Then, after a detailed analysis of the current and projected environment for delivery of these services, we issued a document entitled "Principles for a General Safety Statute" in December 1988. You will find our Principles document included here as Appendix B.

## Phase II - The Statute

Response to our Principles document (Appendix B) has been positive so we are now launching Phase II -- revision of the statute.

We have assembled a draft statute based on the Principles and included it here as Appendix A.

We have also written a discussion paper which outlines what the statute would say, how it relates to previous legislation and some of the reasons for drafting a new statute the way we did.

Now we want your comments on the draft statute.

A series of meetings across Alberta will be held in November of this year. **Please read the important notice for further details** (see page iv).

Our draft statute will be revised in response to your comments and sent to everyone who received this first draft. The revised statute will then be put aside until supporting regulations are developed.

## Phase III - The Regulations

After the statute review process concludes, we expect to begin a similar consultation on the regulations by mid-1990. Discussion papers explaining each regulation will be issued, and the regulations will be refined to reflect your comments. Then the revised statute will be put before the Legislative Assembly. The statute and regulations will come into force at the same time, after having been developed with the co-operation of all who work together towards safety for Albertans.

I look forward to receiving your comments on our draft statute -- Phase II of the revision process. And I thank you for participating in this very important process. It is only with your co-operation that we will achieve a clearly written, comprehensive and contemporary legislative framework for safety in Alberta.

Elaine McCoy, Q.C.
Minister of Labour
M.L.A., Calgary West

# IMPORTANT NOTICE

## PRESENTATION AT PUBLIC MEETINGS

Public meetings on the Uniform General Safety Act will be held in several locations throughout the province between November 13 - 24, 1989. If you wish to make a presentation at a public meeting please fill out the form on the next page and forward it to the following address before November 1, 1989. Presentations will only be heard from parties scheduled on the meeting agenda.

Alberta Labour
Office of the Assistant Deputy Minister
General Safety Services Division
#1001, 10808 - 99 Avenue
Edmonton, Alberta
T5K 0G5

## WRITTEN RESPONSES

Written responses to the discussion paper should be forwarded to the above address before November 15, 1989.

## MORE INFORMATION

If you wish further information please call your local RITE operator (toll free line) and ask for Cori Jones, 427-3679.

**PUBLIC MEETINGS**
**UNIFORM GENERAL SAFETY ACT**
**NOVEMBER 1989**

- Meetings will be held during the period November 13 to November 24, 1989.
- Presentations should not exceed 15 (fifteen) minutes.
- Presenters are encouraged to highlight those points they think most important, not read their written response.
- Please indicate a preferred time and location. Every effort will be made to accommodate all requests. Additional locations will be scheduled where local interest makes this appropriate.
- You will be advised of a confirmed date and time as soon as possible.

NAME _____

ADDRESS _____

_____

_____

REPRESENTING _____

TOPIC _____

PREFERRED LOCATION

EDMONTON _____
CALGARY _____
RED DEER _____
PEACE RIVER _____
LETHBRIDGE _____
VERMILION _____
OTHER (SPECIFY) _____

# SAFETY

# FOR

# ALBERTANS

SEPTEMBER 1989

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Appendix B - Discussion Paper "Principles for a General Safety Statute"

## A. DEFINITIONS AND RESPONSIBILITIES

The proposed statute opens with the definitions needed to clarify the scope of the document and the relationship between operational sections. These definitions are particularly important in the general safety arena because of the technical complexity of the subject matter and the large number of parties involved.

There are two types of definitions used. There are "enabling" definitions that have meaning only in the context of the sections of the statute in which they appear and the regulations enacted under the statute. For example, the definition of "Council" in Section 1 (1)(h) has meaning only in relation to those sections that deal with the operations of the Council and in the regulations if the term is used there. There are also "substantive" definitions that outline the detailed scope or application of a part of the statute. The definition of "elevating device" in Section 1(1)(m) is an example of such a section.

There are also two different styles of definition used. In some cases the definition is intended to build upon or supplement the normal or dictionary meaning. Here the opening word "included" is used. For example the definition of "building" in Section 1(1)(e) is not intended to be exhaustive, but illustrative of the kinds of things contemplated when the word is used in the statute. In most cases the definition is intended to be exhaustive for purposes of the statute, and the opening word "means" is used. Definitions such as "boiler" in Section 1(1)(d) use this format.

Some definitions are new, and others are taken intact from existing statutes or regulations. In some cases these definitions are of general interest. Others relate only to the very specific concerns of one portion of the general safety arena. The definition of "thermal liquid heating system" in Section 1(1)(hh), for example, is likely of interest only to those involved in the Boilers and Pressure Vessels arena.

**Accepted Equivalent - Section (1)(1)(a)**

This section is an enabling definition linked directly to Section 33. The principles and application of this section are discussed as an element of the Part Two discussion.

**Accredited Municipality - Section 1(1)(b)**

This is the enabling section required to make the concept of accreditation outlined in Section 14 work. It serves the same purpose as the definition of "local authority" currently found in the Uniform Building Standards Act. A complete discussion of the concept of accreditation is found in Section 14.

**Approved Agency - Section 1(1)(c)**

This is the enabling section required to make the concept of agency approval outlined in Section 15 work. A complete discussion of the concept is found in Section 15.

**Boiler - Section 1(1)(d)**

This is not a new definition. It is extracted, unaltered, from Section 1(c) of the Boilers and Pressure Vessels Act. Feedback from those who deal with this definition indicated that it worked well and need not be changed.

**Building - Section 1(1)(e)**

This is a slightly altered version of the definition currently found in Section 1(a) of the Uniform Building Standards Act. The definition has been amended to reflect the need to cope with changing conditions through the regulations, in accordance with Principle One of the Principles document. This is currently the case in the Building Standards arena. For example, the current definition of building excludes bridges and dams. This broad

definition is wholly compatible with that found in the current Fire Code, which makes use of a general reference to "any structure".

**Construction - Section 1(1)(f)**

This is a substantive definition designed to enhance the normal dictionary definition of the word to ensure it is understood to include "alteration, installation, repair, demolition and removal". Construction in Alberta involves a great deal of activity not directed to creating new structures, but instead encompassing a variety of operations affecting existing structures. This definition ensures that the statute covers these activities, since they are as relevant to safety as new construction.

**Contractor - Section 1(1)(g)**

This is a new section, as worded, but the concept is not. The notion of broadly defining the people and organizations involved in the actual construction of facilities is reflected in several current statutes and regulations. Section 10 of the Uniform Building Standards Act and Section 18(1) of the Boilers and Pressure Vessels Act are current examples. Contractors are a key participant in the general safety system since it is they who actually do installations. This definition is designed to cover all such work, whether for others or self, whether for profit or not. The safety of the installation is the focus. Corporate status or overall intention of the organization is not relevant to matters of safety. This definition should be considered in conjunction with the provisions of Section 4.

**Council - Section 1(1)(h)**

This is a straightforward enabling section linked to the concept of a General Safety Council, as addressed in Sections 8 and 9. The objective is to ensure that the Council is not confused with any other quasi-judicial body.

**Design - Section 1(1)(i)**

The concept of appropriate designs undertaken in accordance with applicable codes is fundamental to the overall structure and operation of the proposed statute and in accordance with the second and third Principles of the Principles document. For example good designs, properly documented, play a key role in the operations of the permitting functions found in Sections 43 to 49. This emphasis on the design stage recognizes the very important role played by the design professions, as outlined in their professional legislation, and the benefits that accrue to all parties when code application and interpretation issues are resolved at the earliest possible point in the manufacturing or construction cycle. Making corrections or alterations during the manufacturing or construction process, or just before completion of a structure or product, is the least effective approach. The definition is designed to encompass all those forms of communication used to develop and transmit designs.

**Director - Section 1(1)(j)**

This is an enabling section in support of Section 11. The objective is to ensure the statute accommodates a more flexible administrative structure for delivery of General Safety Services programs. Rather than creating specific Directors which in turn creates a specific administrative structure, this definition allows appointment of Directors in response to the functions that need to be performed. The risks government must respond to change over time. It is essential the administrative structure be flexible.

**Electrical Equipment - Section 1(1)(k)**

This definition varies somewhat from that currently found in the Electrical Protection Act. The term "anything" is used to capture electrical equipment and devices of all kinds. As in the case of "building", provision has been made to manage the scope of the definition through regulation. This is particularly important in the electrical area where technological

change is rapidly altering the mix of devices and equipment, and risk, that must be addressed. Coping with this degree of change can only be accomplished through regulations.

**Electrical Work - Section 1(1)(l)**

Definitions of "electrical work" are currently found in the Electrical Protection Act, the Electrical Permits and Inspection Fees Regulation, and the Certification of Electrical Workers Regulation. The relationship between these definitions has caused confusion. This definition encompasses the relevant portions of current definitions, while eliminating overlap and confusion.

**Elevating Device - Section 1(1)(m)**

This is a new definition wholly consistent with relevant national codes. Like the definition of "Electrical Equipment" it is designed to permit long run adjustment to changing technology through regulations. The definition avoids the use of cumbersome lists of equipment types.

**Expansible Fluid - Section 1(1)(n)**

This definition is the same as that found in Section 1(h) of the current Boilers and Pressure Vessels Act. Experience with this definition, and feedback from affected parties, indicate it is working.

**Fire Protection - Section 1(1)(o)**

This is a direct carryover of the definition currently found in Section 1(b) of the Fire Prevention Act. This definition provides the overall scope for the fire safety activities addressed in Part 4.

**Gas - Section 1(1)(p)**

Several current statutes and codes touch upon the safe use of "gas". This definition is drafted to encompass these activities in a single statement, flexible enough to permit regulatory responses to a changing environment.

**Gas Equipment - Section 1(1)(q)**

This definition seeks to accomplish the same objective as in "gas". "Gas Equipment" is encountered in a number of ways; this definition encompasses each situation, while permitting adjustments through the regulatory process.

**Gas Installation - Section 1(1)(r)**

This definition replaces the long and cumbersome definition currently found in Section 1(d) of the Gas Protection Act. The definitions regarding use of electricity address the exemption currently found in subsection (iii) of the current definition. The Pipeline Act exemption found in that subsection will be carried over into relevant regulations.

**Heating Plant - Section 1(1)(s)**

This definition has been adjusted slightly to recognize the need to include both steam and hot water boilers. This change reaffirms current practise.

**Local Assistant - Section 1(1)(t)**

This is the enabling definition for Section 62. The continuation of the "local assistant" concept in the fire prevention arena is discussed in Section 62.

**Local Authority - Section 1(1)(u)**

This is a standard definition currently used in the Fire Prevention and Uniform Building Standards Acts. This statute contemplates "accreditation" of municipalities. Where local action is required, such as fixing a facility, the local organization established pursuant to provincial legislation must be acknowledged. In this case it is the "local authority".

**Minister - Section 1(1)(v)**

There must be a member of Executive Council responsible for implementation of the statute. Under the current framework this is the Minister of Labour, however, any member of Executive Council could be charged with responsibility for the proposed statute.

**Owner - Section 1(1)(w)**

This general definition uses the "includes" format to supplement the common definition found in the dictionary. The wording of the definition is new, but the principle is not. Specific identification of owner accountability for safety is a long-standing principle in the general safety arena. Current examples are the Alberta Fire Code and the Boilers and Pressure Vessels Act. This definition supports the overall role ascribed to owners in Section 2 and reflects the current statute and common law approaches to the role of the owner.

**Plumbing Equipment - Section 1(1)(x)**

This definition has been extracted from the Canadian Plumbing Code. It will make Alberta's approach consistent with national practise, and facilitate utilization of the National Plumbing Code in Alberta. This approach reflects practise in all other aspects of general safety operations.

**Plumbing System - Section 1(1)(y)**

This definition has been extracted from the Canadian Plumbing Code. The current definition, with its list of specific inclusions, has created increasing difficulties as technology evolves. This definition parallels others by allowing for adaptation to a changing environment through changes in regulations.

**Power Plant - Section 1(1)(z)**

This definition has been adjusted slightly from its current form in the Boilers and Pressure Vessels Act to create explicit coverage of both steam and hot water boilers. This reflects current practise.

**Pressure Equipment - Section 1(1)(aa)**

This definition more concisely encompasses "boilers, pressure vessels, pressure piping systems, and fittings" in a single concept. The inclusion of "thermal liquid heating system" is intended to clarify the status of this kind of equipment elsewhere in the statute, and in the regulations.

**Pressure Piping System, Pressure Plant, and Pressure Vessel - Sections 1(1)(bb),(cc), and (dd)**

These are edited and updated versions of the definitions currently found in Sections 1(n),(o), and (p) of the Boilers and Pressure Vessels Act. References to minimum pressure have been inserted to avoid current confusion regarding application of the Act.

**Private Sewage Disposal System - Section 1(1)(ee)**

This definition closely parallels that used in the Canadian Plumbing Code, and is slightly broader than that found in current regulations. This definition contains the capacity to deal with technological and related change through regulations.

**Quality Control System - Section 1(1)(ff)**

This is the enabling section needed to support Section 38. The definition recognizes the key to any quality control or audit system is the maintenance of accurate documentation, and implementation of a planned series of actions. The discussion of Section 38 outlines proposed application of this concept.

**Safety Officer - Section 1(1)(gg)**

This is the definition needed to support Sections 17 and 18 in particular. The concept of defining a field officer or inspector is not new; all current statutes do so. The objective here is to recognize client-oriented services and field functions much broader than those normally associated with the term "inspector", hence the new term "safety officer". Under the statute, field staff would continue to play an inspectional role, but other functions, such as audit of quality control programs and enhanced education activities, would also be undertaken. These realities are reflected in this definition.

**Thermal Liquid Heating System - Section 1(1)(hh)**

This definition clarifies the meaning of this phrase, and the relationship between this equipment and other pressure equipment. Many of the requirements for these kinds of systems also apply to pressure equipment in general. Where there are differences they can be handled through regulations.

**Meaning of "Act" - Section 1(1)(2)**

Within the general safety environment, day-to-day safety decisions flow primarily from the codes adopted through regulations. It is these regulations, such as the Building, Fire and Electrical Codes, that provide the detailed frameworks within which decision-makers operate. These codes and the enabling statute must operate as a single unit, from both an administrative and legal perspective. This section ensures this by having the word "Act" encompass all facets of the framework. It also greatly simplifies wording within the Act. This approach is part of overall government drafting policy, and is designed to make statutes straightforward and easily understood.

**Owners - Section 2**

This section and Sections 3, 4 and 5 are designed to put into operation Principles Two and Three of the Principles document by clearly outlining responsibilities for major decision makers in the general safety system. This section deals specifically with owners. The wording is new, but the concept is derived from the Fire Prevention Act, Uniform Building Standards Act, Boilers and Pressure Vessels Act and Electrical Protection Act. Each specifically addresses the overall safety responsibilities of owners. The objective is to make it clear the owner is responsible for ensuring the facility is built and operated in a safe manner.

This reaffirmation of the importance of the owner recognizes current law, and the fact that although many players interact within the system, with architects, engineers, contractors, manufacturers and two levels of government playing large roles, it is ultimately the owner, supported in a consistent and professional manner by these other decision makers, who ensures safety.

**Manufacturers - Section 3**

The manufacture of products and equipment to be used in buildings and facilities is often as important as the overall structure and configuration of the facility itself. Much of the current safety code structure addresses materials, building products and equipment, rather than buildings themselves. The Electrical, Fire and Plumbing codes, for example, deal with products as well as installation techniques. This section reaffirms the responsibilities of manufacturers. In most cases this amounts to producing products that can be certified pursuant to well known national standards.

**Contractors - Section 4**

The contractor is obviously a key player in the whole safety system. Actual installation, or ongoing maintenance, is undertaken by employees of contractors. It is at this point that design and manufacture, and the standards underlying them, are turned into a working installation. This section makes it clear the contractor, like the owner, manufacturer and designer before him, is responsible for ensuring safe practise within his scope of activity.

This principle is currently in operation in much of the general safety system, usually through the operation of regulations. The "installer" obligations in Plumbing and Gas regulations are a current example.

**Vendors - Section 5**

Addressing the design, manufacture and construction stages, and clarifying the role of owners, covers much of the existing safety continuum, but for many products and services the point of contact is at the vendor level. In many cases the only point at which safety concerns can be addressed is at this interface. This is becoming especially important for electrical, plumbing and building products.

This section makes it clear the vendor may offer for sale only those products which meet existing standards. In practise, this means offering for sale products that have been certified

as meeting relevant national standards. This is the current situation in the electrical arena, for example.

The section also requires vendors to provide warnings where specified, and feedback to the director where needed, in accordance with Principle Six of the Principles document.

### Documents and Records - Section 6

The framework outlined in this proposed statute requires a constant flow of technical and administrative information between affected parties. The validity of this information must be assured through the technical qualifications and commitment to safety of the people involved. This is extremely important in the technical arenas covered by the Division. It is also necessary if the concepts of audit and quality control are to work. Application of this section will be determined through regulations.

## B. PART ONE
## ADMINISTRATION, SUPERVISION AND ENFORCEMENT

This part of the proposed statute addresses three major concerns identified in Principles Five, Nine and Thirteen of the discussion paper: the need for a consistent and uniform dispute resolution mechanism, a consistent and clear outline of the powers of and functional expectations for safety officers, and an effective procedure for dealing with emergencies. Current inconsistencies in these three areas were identified by clients as major sources of confusion and uncertainty, especially for those who interact with government in a number of areas, such as local governments and contractors.

### Ministerial Agreements - Section 7

This section provides the Minister with a general capacity to enter into an agreement with any decision maker in the general safety system for the purpose of providing safety services.

This provides the flexibility to deal with situations that are not fully dealt with under the concepts of "accredited municipality" or "approved agency". For example, the Minister could reach agreement with an outside vendor to make a particular safety code available to users through on-line computer facilities, under a specific cost recovery arrangement, and subject to specific update arrangements.

This section also provides the capacity to undertake training programs. Though most of the training needed by major players in the system, such as professionals and tradesmen, is obtained through Alberta's wide-ranging educational and apprenticeship systems, there are situations where the training needs of participants must be addressed through direct program delivery. The building officials program in the Building Standards arena, and the fire training provided at the Alberta Fire Training School in Vermilion are current examples.

**Uniform General Safety Council and Dispute Resolution - Sections 8 to 10**

Principle Nine of the Principles document indicated there was need for a uniform and efficient dispute resolution mechanism in the general safety system. Many parties feel the multitude of procedures currently operating are confusing and inefficient, and therefore do not contribute to risk mitigation for Albertans.

This section establishes a uniform Council that would undertake, across the whole spectrum of general safety activity, functions similar to those currently handled by the Building Standards and Fire Prevention Councils. The objective is to provide a completely neutral process whereby technical matters related to safety code interpretation and application can be quickly and effectively resolved. The Council would not be responsible for overall administration of the statute. Interpretation of technical matters as they arise pursuant to the application of safety codes would be its primary mandate.

The technical expertise needed to deal with the wide range of safety situations the Council would face would be assured by having the Council operate through technical panels having

the necessary expertise. There would be, for example, different panels for Boilers, Electrical and Plumbing/Gas matters, since different types of expertise are involved.

Membership on the Council would be stable over time, in order to ensure consistency of interpretation and practise for affected parties.

Section Nine outlines the specific responsibilities of the Council. Three very specific functions exist; handle appeals under Section 23, advise the Minister on matters of general safety, and liaise between the Minister and the parties affected by Council activities. Other functions that must be undertaken to facilitate ongoing operation of the general safety system would be performed by the Department, or the parties themselves.

The Council, like other bodies of this type, would be expected to establish fair rules of procedure that would enable it to fulfil its role in an efficient and effective manner.

The Council would be designed as a technical body, with a mandate to determine the best technical solution to a safety problem. Section 10 recognizes the possibility that mediation by a qualified third party is often the most effective means for resolving matters, while keeping available the formal appeal hearing as a process of "last resort". Experience indicates acceptable solutions can often be found if qualified representatives of affected parties are brought together in this fashion.

**Government Operations - Sections 11 to 13**

These sections establish the basic administrative framework for government operations under the statute. There would be a number of Directors responsible for specific portions of the statute. The administrative structure within which Directors would operate would not be established in the statute itself. The administrative structure would have to adapt to current environmental challenges. The number and configuration of administrative units established by government would be determined by the nature of the information, advice

and support to be made available to clients, and efficiencies that will flow from increased utilization of electronic data processing.

Directors clearly have a responsiblity for promoting overall safety, in accordance with the role established for the provincial government.

**Accredited Municipalities - Section 14**

The Principles document specifically addressed the need to make the relationship between the provincial and local governments clearer, more stable and more reflective of current safety realities. This section is designed to meet these objectives, as they were set out in Principles Two, Seven and Eight.

This section creates a framework within which local governments could be specifically accredited to enforce identified parts of the statute. This would occur through specific Ministerial action.

This is the approach currently used in the Uniform Building Standards Act. Feedback from local governments indicated this was the preferred approach for several reasons:

1. The very different types and levels of risk found at the local level must be recognized through arrangements specific to local conditions. These arrangements can be worked out through discussions involving the province and specific local governments.

2. The very different capacities and interests of local government must also be recognized. Identified levels of risk can indicate need for action, but the type of action needed will vary widely, in response to local circumstances.

3. Circumstances will change over time and, in consequence the nature of the local response, and the respective roles of local and provincial governments and other parties, will also change.

This approach recognizes the reality of Alberta's general safety system. It involves governments with widely ranging capacities and needs, operating in an environment that is constantly creating new challenges. The framework must be flexible enough to accommodate this reality; an across-the-board approach will not meet the objective.

Local government, once accredited, would determine the way in which services would be delivered, and the scheme to be used to underwrite the cost of providing the service.

The Principles document also acknowledged that safety is the ultimate objective, and that where real danger exists there must exist a capacity to intervene quickly. Section 14(5) provides this capacity, in the manner currently found in the Uniform Building Standards Act. The focus of the section is very narrow, dealing only with situations where there is "danger to persons and property".

This section also recognizes the need for the two levels of government to keep each other informed through a regular exchange of information in order to reduce duplication and inconsistency wherever possible.

A limited exception to this overall approach to the roles of each level of government is used in respect of the fire service. The concept of "local assistant" currently embodied in the Fire Prevention Act is continued in this proposal, in Section 62. This recognizes the universal and paramount nature of fire response and investigation functions across Alberta.

**Approved Agencies - Section 15**

Alberta's general safety system has been recognized as complex, and dependant upon effective cooperation and support arrangements between a number of groups and individuals. Especially important is the need to ensure system effectiveness does not become dependant upon the capacities of any single player, government or otherwise. The role envisaged for local government was addressed in Section 14. Section 15 addresses the

role of non-government organizations within the system, in accordance with Principles Two and Seven of the Principles document, and the need to maintain a wide range of options in order to respond to changing environmental conditions.

The concept of approving an organization to undertake a specific function is not new. In the Boilers arena organizations have been approved to undertake welder testing, subject to audits. The testing of electrical equipment has been undertaken by approved organizations for some time.

This section creates the capacity to approve, subject to very clear and significant controls. An organization can be approved to deliver a training program for example, but continuation of the approval would be wholly dependent upon meeting the conditions established as part of the original accreditation, and the overall intentions of the Act.

This section provides a mechanism to bring new resources and expertise into the general safety system, in a variety of new ways, without having to compromise safety in any manner. Approved agencies will play very specific roles, subject to conditions that will ensure a high level of safety, and ongoing fulfilment of specified conditions.

**Advisory Committees - Section 16**

Government currently makes extensive use of advisory bodies in the general safety arena, especially in the development and adoption of codes and standards. Section 16 ensures a continued capacity to undertake consultation.

**Safety Officers and Inspections - Sections 17 to 22**

Uniformity and clarity of powers and activities of safety officers is an identified need for Alberta's general safety system. These sections address this need by providing a framework that reflects the current legal framework for such functions, and the needs associated with this kind of function in a safety environment.

A single investigative role is prescribed in accordance with Principle Thirteen of the Principles document. This does not mean use of "generic" safety officers, only that the powers of all those involved will be consistent. Actual field activities will remain discipline based, along currently understood lines. For example, plumbing inspections would still be undertaken by those qualified to do so.

Safety officers would be appointed both municipally and provincially, and employed by approved agencies where their accreditation permitted. In all cases those appointed would have to meet the training and qualification requirements outlined in the regulations. The importance of having qualified people undertaking the inspection and investigative roles so critical to the overall system is reaffirmed through this approach. The level of control over the skill levels of those undertaking these functions will be enhanced.

The powers ascribed to safety officers reflect those found in current comparable statutes, modified to reflect the needs of the safety environment. Officers would have the powers needed to gather sufficient information for an informed decision about safety. Officers would review documentation, look at programs and actual installations, interview people, and conduct or arrange for whatever tests are needed to ensure full information is available to support decisions.

The importance of providing proper advice and information is recognized in the specific advisory role ascribed to safety officers as a major facet of their overall responsibilities. The solution to many safety issues is not commencement of a quasi-judicial proceeding, but rather making sound information and advice available to decision-makers.

The importance of an officers' order, and the proceedings that flow from it are recognized. The use of the order is clearly restricted to two specific situations, and the scope of the order itself is clearly specified. Directors are given the power to correct orders to ensure the process only addresses matters directly relevant to safety requirements, and not technicalities that flow from the process itself. The objective is to have orders clearly outline

the safety matter requiring attention in a manner that will ensure all affected parties understand the issues.

**Dispute Resolution - Sections 23 to 28**

The objective here is to create a straightforward uniform dispute resolution process which addresses the safety issues involved, and provides a process through which unsafe situations can be addressed. Both objectives are in keeping with the principle that the ultimate objective is to achieve as safe an environment as possible.

These sections outline an appeal process that allows 21 days to launch an appeal, with stated grounds, without prescribing in advance any parameters for those grounds. This period of time and the limited capacity to extend time limits are compatible with the need to have an efficient process.

The two levels of government are required to keep each other informed of activities in the appeal process, and to ensure consistency and lack of duplication.

Sections 23(6) to (9) are very important. The objective is to clarify the options of the Council when faced with an appeal, but more importantly provide the capacity to deal with "accepted equivalents" where they "provide approximately equivalent safety performance in respect of persons or property". This is an extremely important section because it allows the Council to grapple with the real world of technological change and uncertainty by applying its expertise to the case before it. This capacity, combined with the Council's ability to mediate, will allow it to deal with all issues that come before it. The scope of accepted equivalents is prescribed as being time specific, restricted to the matters addressed in the order, and possibly subject to specific conditions.

Appeals of Council decisions can be based on the normal grounds of law and jurisdiction, recognizing the Council is a group of informed experts within its realm of activity. When faced with an appeal, the Court would have the capacity to determine the nature of the

documentation it thinks relevant to the matter at hand, and extend time limits where it thinks the situation so warrants.

Both the Council and the Courts will have the capacity to issue a "stay" pending final resolution of the matter at hand. Similar powers currently exist in the Fire Prevention Act and the Uniform Building Standards Act. Sections 26 and 27 permit action to be taken where the safety realities indicate this is needed, and other actions are not underway. This power, and the limited capacity to issue a "stay" only where the parties have asked for one, reflect the overall objective of dealing with the safety issue as effectively as possible.

Those purchasing or otherwise involving themselves with a facility should be able to find out whether there are any encumbrances involved, especially if there have been approvals linked to the maintenance of certain conditions, or there are outstanding orders against the facility. Section 28 would create a source of information which could be used by affected parties.

**Emergencies, Accidents and Inquiries - Sections 29 to 32**

These sections deal with the narrow concept of "imminent danger"; situations in which the very high level of risk overrides many of the mechanisms otherwise applicable. This is recognized in Principle Five of the Principles document.

In Section 29 the overall powers associated with this high risk situation are outlined. The specific capacities to disconnect the source of danger or remove people from its proximity are the most important. Where a genuine emergency exists there is, quite literally, no time for issuance of orders and other kinds of formal proceedings. A gas leak or an actual or pending collapse or structural failure of a building are examples of this kind of situation. This section ensures that immediate actions can be taken and, if necessary, police assistance can be requested. Although these kinds of situations are very rare the capacity to handle them when they arise is critical.

Sections 30 and 31 ensure that full information, and the capacity to gather it, is available to both levels of government. Where an emergency occurs, there must be a full investigation, and evaluation of relevant standards to ascertain whether there are weaknesses in the existing system. These sections provide the framework for this activity.

Section 32 provides the Minister the option of having a full enquiry if necessary. The Minister can specify the nature of the report expected.

## C. PART TWO

## STANDARDS, CERTIFICATES, AND PERMITS

### Coping with Change - Equivalents and Alternates - Sections 33 to 37

This portion of the statute provides the framework for management of the interface between ongoing development of materials and processes and the current versions of safety codes, as well as situations created by unique or innovative configurations of materials on site. This capacity is linked to the specific situation at hand. It does not involve general exemptions or approvals, only acknowledgement of an alternative solution to a safety concern in a specific circumstance.

A Director, or a safety officer designated by a Director, would have the capacity to issue an accepted equivalent where the proposed solution to a safety question is thought to adequately meet safety standards. This would allow solutions to be worked out based on the professional judgments of the safety experts involved, especially where the specifics of the situation are not clearly encompassed in the codes involved, or the codes have become outdated.

This capacity would be limited by the Director's ability to decide who would have the capacity to deal with equivalencies, and limit the scope of action any individual may have in this arena. This kind of discretion would be exercised only by personnel whose experience

and professional qualifications indicated they were capable of sound judgment. Only the Director can designate; local government safety officers would have to receive provincial designation to undertake this function.

The buildings, materials, and systems that government deals with every day are subject to a multitude of complex standards that flow from a wide range of sources. Many are written by Canadian Standards Writing Organizations accredited under the Standards Council of Canada Act. As trade becomes "free" and more "international" the relevance and applicability of standards from other nations becomes an ever more important issue. Material manufactured for use in Canada is often developed in accordance with standards at least equal to those used in Canada. It is important the capacity to recognize these standards be specifically addressed in safety legislation. Sections 34 and 35 do so by clearly indicating the framework within which this function may be carried out. Five very specific tests are provided. Approval given under this framework would be "general", much like the interpretations now given for the Building Code in the form of "Standata", the Fire Code through periodic bulletins, or the Electrical and Gas Codes through the "Quarterly Bulletin".

The link between actual usage and approvals are extremely important in the safety arena. Material and products are tested and approved for specific uses. If they are used in a manner other than that for which they are intended evaluations become irrelevant. Section 36 makes it clear approvals are linked to usage. Equally important is the process by which work is performed in areas identified as "risky". Many existing regulations provide very specific work procedures judged by professionals to be essential to safety. Section 37 makes it clear that where safety considerations have resulted in the development of specific work procedures these are to be followed.

**Quality Control - Sections 38 and 39**

The concept of "quality control" or "quality assurance" is commonplace in Canada's manufacturing and construction industries. The maintenance of specific procedures and programs to ensure continued quality is required to receive and retain product certifications

and is frequently a prerequisite to participation in major undertakings of all kinds. Use of this approach is also common in the safety area where, for example, the use of specific programs is normal in welding and pressure vessel manufacturing. Section 38 gives formal recognition to the growing relevance of these techniques where risk is deemed to warrant this kind of attention. The scope of the section allows the parties to develop a program that would meet the needs of the current situation, and a reporting structure that reflects the nature of the risk involved.

The concept of equivalency was linked to a very specific circumstance, and the concept of alternate materials was linked to specific tests applied in the context of particular standards. Section 39 addresses the only remaining situation, that of ongoing interpretation of the codes adopted by regulation as Alberta standards. This section deals with more general situations such as the guidelines issued by the Fire Commissioner in respect of educational and health care institutions. The objective is to make all necessary information available to the parties and to clarify the meaning and application of existing standards, and in so doing avoid having to create further regulations. Experience has shown that where guidelines and interpretations can be issued and subsequently followed by owners, contractors, manufacturers, vendors and professionals voluntarily, the system is much more effective. This section allows for continuation of this kind of activity. Where circumstances warrant, the option of using a regulation is still available.

**Competency - Sections 40 to 42**

These sections deal with the vital role of training and competency in the overall safety system. The competency of those performing the "hands on" work within the system is recognized as a critical element in the overall system. Government is vitally interested in the competency of those carrying out functions within the general safety system. This section permits, in a consolidated manner, continuation of government's role in ensuring competency levels consistent with safety. This role usually involves recognizing competencies based on completion of specific stages of well recognized programs currently found in Alberta's educational system, such as those found in the Apprenticeship and Trades

Certification area. There are areas, however, where the current education and training system does not address the needs arising in the general safety circumstance. Firefighter training and the training of local building inspectors are examples. Where government involves itself directly these sections provide for a Board of Examiners, as currently used in the electrical field, to ensure impartial determination of competency.

The concept of a "certificate of competency" is used to standardize and simplify the mechanism used to recognize skill levels. The Division currently administers this single aspect of its mandate under a number of different titles that serve only to confuse clients. This single concept would replace the existing system, but would not alter the current framework of requirements based on the needs of specific disciplines. For example, Section 40(1)(b) would maintain the current system of competency requirements associated with the operation and maintenance of pressure equipment, as would Subsection (d) in respect of electrical work.

**Permits - Sections 43 to 49**

Within the general safety environment a critical function is performed by the process most commonly known as "permitting". The capacity and competency of those undertaking work or doing installations is assured by the process of project based permits. As well, government is kept aware of activity so that the appropriateness of codes and the effectiveness of programs in response to real ongoing risk can be constantly monitored.

This function is consistent across the general safety system, but legislative and regulatory treatment is not. The same function is called permitting, authorizing, licensing, and certifying, just to name a few examples. Not only does this approach confuse clients, but it creates the likelihood the same function could be interpreted as having different meanings. A license may not be the same as a permit, which is likely not the same as an authorization. Each implies a different role for the government, and therefore for all other parties in the system. Since a major theme of the proposed statute is clear and consistent roles for all

parties, this situation is not acceptable, and wholly inconsistent with Principle Three of the Principles document.

These sections cover all authorizing, permitting, and certifying activities currently undertaken by the Division, standardized under the term "permit". This approach makes the role of government and other parties consistent across the full spectrum of general safety activity without significantly altering day-to-day activity. Where a "certificate" may have been required before, a permit will now be needed; the process will be substantially the same.

Sections 45 and 46 reaffirm the commitment to addressing safety matters at the design stage through the direct involvement of the design professions, as outlined in the Principles document. The framework of this section is derived from the current Building Standards model.

## D. PART THREE
## Boilers and Pressure Vessels Safety

The overall objective of the statute is to provide a consolidated and up-to-date framework that can be effectively administered well into the future. The consistency of programs and objectives within the various elements of the general safety function made it possible to put most components of existing legislation into general sections that will meet the needs of all system participants and greatly simplify the statutory framework. There are two partial exceptions to this overall approach; fire prevention and administration of the boilers and pressure vessels safety system. Although the permitting and competency sections provide the framework for much of the activity in these two areas, there remain a few matters that cannot be effectively integrated into the general framework. Parts three and four contain those unique elements needed to maintain effective safety systems in these areas, and not otherwise addressed in the statute.

### Boilers & Pressure Vessels Safety - Sections 50 to 61

These sections address those aspects of the pressure vessel safety system that have not been handled elsewhere in the statute. The objective is to standardize language for clarity and simplicity, and arrange the structure functionally to parallel activity in this sector. Design registration and approval, vessel supervision and operation, and vessel sale and disposal are all addressed.

Particular attention is given to the qualifications of and requirements for those who supervise operating vessels and equipment. Sections 57 to 61 outline a comprehensive framework of operator requirements and owner obligations which reflect the current framework of skills and training associated with the operation of such equipment.

## E. PART FOUR
## FIRE SAFETY
### Fire Safety - Sections 62 to 66

The nature of fire investigation and follow-up requires that the accreditation approach outlined under Section 14 be modified; the overriding need to investigate and remain aware requires that there be a clear obligation at the local level. For this reason the "local assistant" concept found in current legislation is carried over in these sections. The obligation to investigate and report and the authorities associated with these functions are outlined, as are the reporting requirements for local assistants and insurance companies. Section 65 specifically addresses the need to assure the capacity for mutual aid where the situation so warrants.

## F. PART FIVE
## GENERAL
### General Administration - Sections 67 to 73

These sections address some essential administrative functions associated with effective operation of the proposed statute. Cost recovery, liability, release of information, uniformity of codes and the power to make regulations are addressed, in accordance with Principles Four, Six, Ten, Eleven and Twelve of the Principles document.

Sections 67 and 72 reaffirm Principle Eleven from the Principles document by clearly providing the authority to recover the costs of risk mitigation programs from those creating the risk. The provincial government, through Ministerial order, and local government through a bylaw, may set fees for the services they provide. These sections clarify an area of uncertainty in some current legislation.

A key element of the overall statute is the clarification of responsibilities of the parties. Flowing from this is the need to ensure the capacity to undertake prescribed roles is not unreasonably restricted by real or perceived liability. Section 68 makes it clear that parties acting in good faith pursuant to this statute, in accordance with the powers and obligations granted to them, will not be held liable. It also makes it clear that parties are not, and cannot be, protected from consequences arising from actions flowing from negligence or incompetence.

A major issue currently arising in the general safety field is access to information gathered through the activities of the parties, particularly the investigative activities of governments. It is not uncommon for those contemplating legal action of some kind in follow-up to an incident to request extensive amounts of information from government. Since this information is gathered pursuant to the requirements of particular safety legislation, and not with particular kinds of legal action in mind, it is important the framework for access be clarified. This section would permit limitation of the distribution of the information gathered for the purpose and administration of the Act, specific situations authorized by the

regulations, or specific requirements linked to another statute or an order of a court. Information would also be released in statistical form if the source was not identifiable. This section ensures information would be available where there is a need for it, but also that confidential information gathered for a specific purpose would not become available inappropriately.

Principle Four in the Principles document reaffirmed the current commitment to uniformity of codes and practise across Alberta. This approach is reaffirmed in Section 73, which makes it clear the adoption of codes and standards is a provincial responsibility. Except where specifically permitted, local bylaws would be inoperative.

This proposed statute creates a general framework within which the very complex and technical aspects of ensuring safety can be addressed on a day-to-day basis. This is done through the codes and standards adopted as regulations under the legislation. For this reason the power to create regulations is fundamental to the operation of the system. Section 71 provides the authority to maintain the current regulatory base, including such documents as the Electrical, Fire, Building, Plumbing and Gas codes. It also provides the capacity to create regulations in areas arising from the contents of the proposed statute, such as the use of forms (71(3)(f)) and application of Quality Assurance systems (71(3)(i)). It is through the capacity to regulate in response to risk challenges arising over time that government is able to maintain a regulatory framework that will ensure a level of support and cooperation between system participants that enhances safety for all Albertans.

**Prohibitions - Sections 74 to 83**

These sections outline the framework of offenses and penalties associated with contravention of the statute. It is important to note that penalization is not a major theme of the statute since "after the fact" penalization does not address the real issue, mitigation of risk.

Sections 74 to 77 outline offences, while Section 78 outlines penalties. Penalties are designed to parallel those found in other statutes dealing with safety issues, in accordance with Principle Fourteen of the Principles document. The principle of mitigating the risk, as opposed to just dealing with penalties, is reflected in Section 78(2), where the court is given the power to deal with correcting the unsafe situation.

# APPENDIX "A"

# DISCUSSION DRAFT

# OF A

# UNIFORM GENERAL SAFETY STATUTE

DISCUSSION PAPER

September 1989

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**Definitions**

1(1) In this Act,

(a) "accepted equivalent" means an accepted equivalent issued by the Council or a Director;

(b) "accredited municipality" means a municipality that is designated as an accredited municipality under section 14 to administer all or part of this Act;

(c) "approved agency" means a person or organization designated as an approved agency under section 15;

(d) "boiler" means a vessel in which steam or other vapour can be generated under pressure or in which a liquid can be put under pressure by the direct application of a heat source;

(e) "building" includes structure and any part of a building or structure but does not include any thing excluded, by the regulations, from the definition of building;

(f) "construction" includes alteration, installation, repair, demolition and removal;

(g) "contractor" means a person or organization that does or undertakes to do, either for his own use or benefit or for that of another whether or not for the purposes of gain, any activity to which this Act applies;

(h) "Council" means the Uniform General Safety Council established under section 8;

(i) "design" includes diagrams, drawings and specifications depicting the arrangement and operation of functions, materials and equipment regulated under this Act;

(j) "Director" means a Director appointed under section 11;

(k) "electrical equipment" means any thing used or intended to be used in or in conjunction with the generation, transformation, transmission, distribution, delivery or use of electrical energy but does not include any thing excluded, by the regulations, from the definition of electrical equipment;

(l) "electrical work" means the installation, repair and maintenance of a system used or intended to be used for the generation, transmission, distribution, control or utilization of electrical energy;

(m) "elevating device" means a passenger elevator, freight elevator, dumbwaiter, escalator, inclined passenger lift, manlift, passenger ropeway, freight platform lift, moving walk, personnel hoist, lift for persons with disabilities, amusement ride or any equipment or structure designated by the regulations as an elevating device;

(n) "expansible fluid" means

(i) any vapour or gaseous substance, or

(ii) any liquid under a pressure and at a temperature that is such that the liquid will change to a gas or vapour when the pressure is reduced to atmospheric pressure;

(o) "fire protection" means all aspects of fire safety, including fire prevention, suppression, investigation, public education and information, training and advising;

(p) "gas" means any gas, compressed gas or any mixture or dilution of gases and includes any combustible or flammable fluid but does not include any gas, mixture or dilution of gases or combustible or flammable fluid excluded, by the regulations, from the definition of gas;

(q) "gas equipment" means any thing used or intended to be used in or in conjunction with the processing, transmission, storage, distribution, supply or use of gas but does not include any thing excluded, by the regulations, from the definition of gas equipment;

(r) "gas installation" means a distribution system that allows for the processing, transmission, storage, distribution, supply or use of gas

and includes any connection with any gas consuming equipment and the maintenance, alteration, extension and repair of the connection but does not include any distribution system or connection excluded, by the regulations, from the definition of gas installation;

(s) "heating plant" means

(i) any one or more boilers in which steam or other vapour may be generated at a pressure not exceeding 103 kilopascals and a temperature not exceeding 121° C,

(ii) any one or more boilers in which water or other liquid may be heated to a pressure not exceeding 1100 kilopascals and a temperature not exceeding 121° C at or near the outlet of the boiler, or

(iii) any system or arrangement of boilers referred to in subclause (i) or (ii) or in both subclauses,

and the engines, turbines, pressure equipment, machinery and ancillary equipment used in connection therewith;

(t) "local assistant" means a person designated or appointed as a local assistant under section 62;

(u) "local authority" means

(i) a council of a city, town, village, summer village, municipal district or county,

(ii) a board of administrators of a new town, or

(iii) the Minister of Municipal Affairs, in the case of an improvement district or a special area;

(v) "Minister" means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;

(w) "owner" includes a lessee, a person in charge or control and a person who holds himself out as having the powers and authority of ownership or who for the time being exercises the powers and authority of ownership;

(x) "plumbing equipment" means any thing used or intended to be used in or in conjunction with a plumbing system or private sewage

disposal system but does not include any thing excluded, by the regulations, from the definition of plumbing equipment;

(y) "plumbing system" means the whole or any part of a drainage system, a venting system or a potable water system but does not include any drainage system, venting system or potable water system or any part of those systems excluded, by the regulations, from the definition of plumbing system;

(z) "power plant" means

(i) any one or more boilers in which steam or other vapour is generated at a pressure of more than 103 kilopascals,

(ii) any one or more boilers containing liquid and having a working pressure exceeding 1100 kilopascals or a temperature exceeding 121° C or both, or

(iii) any system or arrangement of boilers referred to in subclause (i) or (ii) or in both subclauses,

and the engines, turbines, pressure equipment, machinery and ancillary equipment used in connection therewith;

(aa) "pressure equipment" means a thermal liquid heating system and any containment for an expansible fluid under pressure, including, but not limited to, fittings as defined in Part 3, boilers, pressure vessels and pressure piping systems;

(bb) "pressure piping system" means pipes, tubes, conduits, fittings, gaskets, bolting and other components making up a system for the controlled conveyance of an expansible fluid at a pressure exceeding 103 kilopascals between or among 2 or more points;

(cc) "pressure plant" means any one or more pressure vessels or any system or arrangement of pressure vessels and the engines, turbines, pressure piping system, machinery and ancillary equipment of any kind used in connection with a pressure vessel;

(dd) "pressure vessel" means any receptacle that contains or is intended to contain an expansible fluid under pressure of more than 103 kilopascals;

(ee) "private sewage disposal system" means a privately owned system for the treatment and disposal of sewage but does not include any system or type of system excluded, by the regulations, from the definition of private sewage disposal system;

(ff) "quality control system" means all the documented, planned and systematic actions needed to ensure that this Act is complied with;

(gg) "safety officer" means a person appointed or designated as a safety officer under section 17;

(hh) "thermal liquid heating system" means one or more thermal liquid heaters in which a thermal liquid that is not pressurized by the application of a heat source is used as the heat transfer medium and includes any connected piping system or vessel.

(2) In this Act, a reference to "this Act" includes the regulations and by-laws made under this Act and any code, standards or body of rules declared to be in force pursuant to this Act.

**Owners' responsibilities**

2 The owner of any thing or activity to which this Act applies shall ensure that it meets the requirements of this Act, and if the thing is operated, that it is maintained in a safe condition, or if the activity is undertaken that it is done in a safe manner.

**Manufacturers' responsibilities**

3 A person who manufactures any thing or type of thing to which this Act applies shall ensure that it meets the requirements of this Act.

**Contractors' responsibilities**

4 A contractor who undertakes construction, operation or maintenance of or builds or installs any thing or type of thing to which this Act applies shall ensure that it meets the requirements of this Act.

**Vendors' responsibilities**

5(1) No person shall advertise, display or offer for sale, for lease or for other disposal, or sell, lease or otherwise dispose of, any thing for which or that is of a type of thing for which, this Act sets standards or requirements, unless that thing meets the standards and requirements set by this Act.

(2) A person who sells, leases or otherwise disposes of a thing referred to in subsection (1) shall provide any warnings or instructions required by this Act and provide a Director with any information and reports required by this Act.

(3) No person shall advertise, display or offer for sale, for lease or for other disposal, or sell, lease or otherwise dispose of any thing that is prohibited by the regulations, from being sold because it may cause unacceptable danger of bodily injury to persons or damage to property.

**Safety related records**

6 If any document, including but not limited to records and reports, is required to be prepared, submitted or retained under this Act, the regulations may specify the qualifications required to be held by the person who prepares, submits or retains it and specify what information must be included, the manner in which the document is submitted, when it must be submitted, and where, by whom and for how long a copy of it must be retained.

## PART 1

## ADMINISTRATION, SUPERVISION, ENFORCEMENT

### Administration

**Minister's agreements, training programs**

7(1) The Minister may enter into agreements with the Government of Canada, an agency of the Government of Canada, a municipality, person or organization regarding the provision of services to which this Act applies.

(2) The Minister may establish and operate any training program or service related to any thing or activity to which this Act applies that the Minister considers necessary or desirable.

**Council**

8(1) There is hereby established the Uniform General Safety Council consisting of the members appointed by the Minister, one of whom shall be designated as chairman and others of whom may be designated as vice-chairmen.

(2) The members of the Council shall be appointed to hold office for terms not exceeding 3 years and may be reappointed for additional terms to commence on the expiry of their appointment.

(3) If a member of the Council resigns or his appointment terminates, he may, in relation to a proceeding in which he participated as a member of the Council, carry out and complete the duties or responsibilities and

continue to exercise the powers that he would have had if he had not ceased to be a member, until the proceeding is completed.

(4) The members of the Council may be paid remuneration at the rate determined by the Minister and their travelling and living expenses while absent from their ordinary places of residence or business in the course of their duties as members, at the rates determined by the Minister.

**Council's duties and powers**

9(1) The Council

(a) shall hear appeals under section 23,

(b) may recommend to the Minister that it undertake to provide the Minister with advice on matters related to this Act and may, with the consent of the Minister, provide that advice,

(c) may provide a liaison between the Minister and any person or organization interested in safety matters governed by this Act, and

(d) shall carry out any other activities that the Minister directs.

(2) The Council may delegate in writing any power or duty conferred on it to a committee of the Council or a member of the Council.

(3) The Council may make rules of procedure for the conduct of its business and for the conduct and hearing of appeals.

**Mediation by Council**

10(1) If a safety officer issues an order and the order is appealed,

(a) the chairman or a vice-chairman of council may, or

(b) a member of the Council designated by the chairman or a vice-chairman of the Council may, on the request of the appellant or if directed by the chairman or a vice-chairman,

review the order and attempt to resolve the appeal.

(2) The chairman, a vice-chairman or other member of Council who reviews an order or attempts to resolve the appeal pursuant to subsection (1) may not hear an appeal under section 23 with respect to that order.

**Directors**

11(1) In accordance with the *Public Service Act*, there may be appointed 2 or more Directors, and the Deputy Minister shall designate their titles and prescribe the parts of this Act that they are to administer.

(2) The Deputy Minister may, in writing, designate any employee of the Government under the administration of the Minister as a person who may exercise all or part of the duties, powers and responsibilities of a Director.

(3) A Director may delegate in writing to any employee of the Government under the administration of the Minister any power or duty imposed on the Director under this Act except his powers under sections 22(4) and 34 to 39.

**Directors promote safety**

12(1) A Director may do all things he considers necessary or advisable to promote the safety of any thing or activity to which this Act applies.

(2) A Director who administers Part 4 may do all things he considers necessary or advisable to promote fire protection and may assist in the enforcement of laws related to the suppression of arson.

**Staff**

13 In accordance with the *Public Service Act*, there may be appointed any persons and employees required for the administration of this Act.

**Accredited municipalities**

14(1) The Minister may, by order,

(a) designate a municipality or a class of municipality as an accredited municipality authorized to administer all or part of this Act with respect to any or all things or activities or classes of things or activities to which this Act applies within the boundaries of the municipality, or

(b) designate 2 or more municipalities as accredited municipalities authorized to administer in common all or part of this Act with respect to any or all things or activities or classes of things or activities to which this Act applies within the boundaries of those municipalities.

(2) The Minister may include terms and conditions in an order under this section.

(3) An order under this section shall be published in The Alberta Gazette.

(4) The local authority of an accredited municipality shall provide for the administration of the parts of this Act that the accredited municipality is authorized to administer and shall ensure that a Director is provided with reports related to the administration of this Act as required by the Director.

(5) If a Director, on reasonable and probable grounds, is of the opinion that an accredited municipality is not administering the parts of this Act that it is authorized to administer or that any thing or activity to which this Act applies that is located in the accredited municipality may be causing a danger to persons or to property, the Director may direct a safety officer appointed under section 17(1) to undertake the administration of this Act in that accredited municipality and to charge fees, in the amount provided for by the Minister,

(a) to the municipality for any material or service that is provided by the safety officer,

(b) to the owner of a premises or place for any inspection, review, examination or evaluation carried out by the safety officer, and

(c) to the recipient of a permit or certificate issued by the safety officer.

**Approved agencies**

**15(1)** A Director may, in accordance with the regulations, by order designate a person or organization as an approved agency authorized to provide services pursuant to all or part of this Act with respect to any or all things or activities or classes of things or activities to which this Act applies.

(2) A Director may include terms and conditions in an order under this section.

(3) If, in the opinion of a Director, an approved agency does not comply with the requirements of this Act or an order under this section, the Director may cancel or suspend its approval.

(4) A Director or an accredited municipality may enter into an agreement with an approved agency to provide services pursuant to this Act.

(5) If a Director, on reasonable and probable grounds, is of the opinion that an approved agency is providing services that do not meet the requirements of this Act, the Director may direct a safety officer appointed under section 17(1) to undertake the provision of those services and may, in the amount provided for by the Minister, charge fees to the approved agency for those services.

**Committees**

16(1) The Minister may establish committees he considers necessary or desirable to act in an advisory capacity in respect of all or part of this Act.

(2) The Minister may, with respect to any committee established under this section,

(a) appoint or provide for the manner of appointment of its members,

(b) prescribe the term of office of any member,

(c) designate a chairman and vice-chairman,

(d) authorize, fix and provide for the payment of remuneration and expenses to its members, and

(e) make rules governing the calling of its meetings, the conduct of business at its meetings, reporting and any other matters as required.

(3) A committee established pursuant to this section may make rules governing any matter referred to in subsection (2)(e) to the extent that the Minister has not made rules under that clause governing the matter.

(4) A committee established pursuant to this section may exercise the powers and shall perform the duties and functions that the Minister approves, confers or imposes on it.

**Inspections, Orders, Appeals**

**Safety officers**

17(1) A Director may appoint employees of the Government under the administration of the Minister who meet the requirements of the regulations as safety officers for the purpose of administering all or part of this Act anywhere in Alberta.

(2) The local authority of an accredited municipality may provide for the appointment of employees who meet the requirements of the regulations as safety officers for the purpose of administering, within the municipality, all or part of this Act that the accredited municipality is authorized to administer.

(3) An approved agency may, if authorized under section 15, appoint employees who meet the requirements of the regulations as safety officers for the purposes of providing services that the approved agency is authorized to provide.

(4) All Directors are designated as safety officers for the purposes of this Act.

(5) All local assistants are designated as safety officers for purposes related to fire protection.

(6) A safety officer and a local assistant shall be provided by the Director, the accredited municipality or the approved agency, as the case may be, with an identification card in accordance with the regulations.

**Safety officers' powers**

18(1) For the purpose of ensuring that this Act is complied with, a safety officer may, at any reasonable time, enter to inspect any premises or other place in which he has reason to believe there is any thing or activity to which this Act applies, except a private dwelling place that is in use as a dwelling, and may, using reasonable care, make an inspection that may include

(a) taking with him any person or thing that the safety officer considers would be of assistance in making an inspection,

(b) inspecting any thing or activity to which this Act applies and photographing or otherwise recording any thing or activity that the safety officer considers would be of assistance in making an inspection,

(c) reviewing designs, plans, drawings and specifications,

(d) examining and evaluating quality control systems and manufacturing and construction processes,

(e) requiring any person on the premises or at the place to be interviewed and to make full disclosure either orally or in writing

about any matter concerning any thing or activity to which this Act applies,

(f) if necessary for safety reasons and on providing notice when practical, temporarily closing or disconnecting or requiring temporary closure or disconnection of, any thing to which this Act applies for the purpose of making an inspection, and

(g) reviewing, performing or requiring to be performed any tests the safety officer considers necessary on any thing or activity to which this Act applies and remove the thing, if necessary, for the purpose of performing a test on it.

(2) A safety officer, for the purposes of exercising his powers under subsection (1), may at any reasonable time and on reasonable notice enter a private dwelling place that is in use as a dwelling

(a) if a permit has been issued with respect to an activity to be carried out in that dwelling place, to inspect that activity or, within a reasonable time, to inspect the results of that activity, to ensure that the requirements of this Act are complied with,

(b) with the consent of the owner, or

(c) with a warrant from a justice.

(3) A safety officer shall on entering a premises or place, on request, produce his identification card and provide advice on his powers to carry out inspections.

(4) The owner or occupier of a premises, place or thing shall ensure, during an inspection, that

(a) on the request of a safety officer, there is a person in attendance who is capable of taking all the necessary precautions and providing reasonable assistance to ensure the safety of the safety officer, and

(b) any necessary safety equipment including but not limited to that requested by a safety officer, is immediately available for his use.

(5) A safety officer who has reviewed or detained any thing shall, on completion of the inspection, return to the person entitled to it any thing detained or removed unless it is impossible, unsafe or impractical to return it.

(6) On completion of an inspection a safety officer may provide, to the owner, occupier, vendor, contractor, manufacturer or designer, advice or a report on the thing or activity that was inspected.

(7) Notwithstanding subsection (5), a safety officer may

(a) on obtaining a warrant, or

(b) without a warrant if the safety officer believes on reasonable and probable grounds that it is not practical to obtain a warrant because the necessary delay may result in the loss of evidence

detain or remove for the purposes of evidence any thing that he discovers during an inspection which he believes on reasonable and probable grounds may provide evidence of the commission of an offence under this Act.

**Production of documents**

19(1) For the purpose of ensuring that this Act is complied with, a safety officer may demand the production, within a reasonable time, of any record or document pertaining in any manner to compliance with this Act and may on giving a receipt for them remove them for not more than 48 hours for the purpose of making copies of them.

(2) If a person on whom a demand is made under subsection (1) refuses or fails to comply with the demand the safety officer may apply to a judge of the Court of Queen's Bench by way of originating notice and the judge may make any order he considers necessary to enforce compliance with subsection (1).

(3) A copy of the originating notice and a copy of each affidavit in support shall be served not less than 3 days before the day named in the notice for hearing the application.

**Incriminating disclosures**

20 A person who makes a disclosure under section 18(1)(e) has the right not to have any incriminating disclosure so given used to incriminate him in a prosecution under this Act except in a prosecution under section 74(2).

**Safety officer hindered**

21(1) If a person refuses to allow a safety officer to exercise his powers under this Act or interferes or attempts to interfere with a safety officer in the exercise of his powers under this Act, a Director or accredited

municipality may apply to the Court of Queen's Bench by way of originating notice for an order

(a) restraining any person from preventing or interfering in any manner with a safety officer in the exercise of his powers under this Act, and

(b) for the purposes of providing protection, authorizing a police officer to accompany the safety officer on an inspection under this Act.

(2) A copy of the originating notice and a copy of each affidavit in support shall be served not less than 3 days before the day named in the notice for hearing of the application.

Order

22(1) A safety officer may make an order, in writing, if

(a) he believes, on reasonable and probable grounds, that this Act is contravened, or

(b) the design, construction, manufacture, operation, maintenance, use or relocation of a thing or the condition of a thing or activity to which this Act applies is such that there is or would be an unacceptable danger of bodily injury to persons or damage to property.

(2) An order under this section

(a) shall be issued to the owner, occupier, vendor, contractor, manufacturer or designer of the thing or to the person who authorizes, undertakes or supervises an activity that is the subject-matter of the order or be issued to any 2 or more of them;

(b) shall specify the name of the persons to whom it is issued;

(c) shall set out what the person is required to do or stop doing in respect of the thing or activity that is the subject-matter of the order and a reasonable time within which it must be done or stopped, as the case may be;

(d) may direct that a method of work, construction, manufacturing, operation, maintenance, use or relocation prescribed in the order be followed;

(e) may direct that the use of the thing or activity that is the subject of the order be stopped in whole or in part in accordance with this order;

(f) may direct that a design, plans, drawings or specifications be altered;

(g) may direct that an altered design be submitted to a Director for registration;

(h) may direct compliance with this Act, permit, certificate or accepted equivalent;

(i) shall be dated and signed;

(j) shall provide notification of the right to appeal the order;

(k) shall be served on the person to whom it is issued as follows:

(i) in the case of service on an individual,

(A) personally or by leaving it for him at his last or most usual place of abode with a person who is apparently at least 16 years old, or

(B) by mailing it to him by double registered or certified mail at his last known address;

(ii) in the case of service on a corporation,

(A) personally on a director, officer or the manager or person in charge of a place where the corporation carries on business,

(B) by sending it by double registered or certified mail to a director of the corporation at his residence or last known postal address, or

(C) by leaving it at or by sending it by double registered or certified mail to the registered office of a corporation or to the office of the attorney of an extra-provincial corporation.

(3) A safety officer making an order under subsection (2) shall, if required by the regulations, forthwith send a copy of the order to a Director.

(4) A Director may, on the written request of the person to whom the order is issued or without such a request if the Director considers that the order is impractical, unreasonable, contains incorrect references or typographical errors or does not correct or satisfy concerns about safety, review the order and by order revoke or vary the order.

(5) If a Director revokes or varies an order under subsection (4), the Director shall issue and serve an order in accordance with subsection (2).

Appeal to Council

23(1) A person to whom an order is issued under section 22(2) or (4), 59(2), 60(3) or 61(2) may, if he objects to the contents of the order, appeal the order to the Council in accordance with this section.

(2) An appeal may be commenced by way of a written notice that shall

(a) state the name of the person to whom the order is issued and the person's address,

(b) state the location of the thing or activity that is the subject-matter of the order,

(c) set out the grounds of the appeal, and

(d) be served on the secretary of the Council not more than 21 days after the order was served in accordance with section 22, personally or by registered or certified mail or by a facsimile communication device if the appellant obtains written confirmation, not more than 21 days after the order was served in accordance with section 22, that the secretary has received a copy of the notice.

(3) The secretary of the Council, on receipt of a notice of appeal, shall send a copy to a Director and also to an accredited municipality if the subject-matter of the order is located in the accredited municipality and relates to a part of this Act that the accredited municipality is authorized to administer.

(4) The chairman or vice-chairman of the Council may, on application by the person to whom an order is issued before the expiration of the time referred to in subsection (2)(d), extend the time for commencement of an appeal by up to 14 days if the chairman or vice-chairman considers it appropriate to do so.

(5) When the Council is considering appeals under this section,

(a) it may, at the direction of the chairman or in accordance with rules made under section 9(3), sit in one or more divisions and the divisions may sit simultaneously or at different times;

(b) 3 members constitute a quorum of a division of the Council;

(c) the chairman or vice-chairman shall designate a member to preside at any sitting of the Council or of a division of the Council at which the chairman or vice-chairman is not present;

(d) an order of a division is an order of the Council and binds all members of the Council.

(6) The Council may by order confirm, revoke or vary the order appealed to it and as a term of the order may issue a written accepted equivalent with respect to the subject-matter of the order if in its opinion the accepted equivalent provides approximately equivalent safety performance in respect of persons or property as provided for by this Act and Council shall serve a copy of its order in accordance with section 22(2)(k) on the appellant, a Director and an accredited municipality if it was sent a copy of the notice of appeal under subsection (3).

(7) The Council may include terms and conditions it considers necessary in the accepted equivalent.

(8) An accepted equivalent is in effect only during the period of time prescribed in it and only applies to what is specified in it.

(9) The person who is issued an accepted equivalent shall ensure that its terms and conditions are complied with.

(10) The *Regulations Act* does not apply to an accepted equivalent issued under this section.

**Appeal to Court**

24(1) An appeal lies from an order of the Council to the Court of Queen's Bench only on a question of law or jurisdiction.

(2) An appeal under this section may be commenced within 30 days after receipt of service of the Council's decision

(a) by filing an originating notice with the clerk of the Court, and

(b) by serving a copy of the originating notice

(i) on the chairman of Council if the appellant is the person to whom the order under appeal is directed, or

(ii) on the chairman of Council and on the person to whom the order under appeal is directed, if the appellant is a Director or an accredited municipality.

(3) The Court may, on application either before or after the time referred to in subsection (2), extend that time if it considers it appropriate to do so.

(4) The Court may, in respect of an application under subsection (2),

(a) determine the issues to be resolved on the application, and

(b) limit the evidence to be submitted by the Council to a copy of the Council's decision certified by the person presiding at the sitting of the Council and those materials necessary for the disposition of those issues.

(5) On hearing the appeal, the Court may confirm, revoke or vary the order of the Council.

Stay pending appeal

25(1) An appeal taken under section 23 does not operate as a stay of the order appealed from except so far as the chairman or a vice-chairman of the Council, on receipt of a written application so directs.

(2) An appeal taken under section 24 does not operate as a stay of the order of the Council except so far as a judge of the Court of Queen's Bench so directs.

(3) A stay directed under this section may include terms and conditions and shall be in writing.

Enforcement of order

26(1) In this section, "clerk" means

(a) the city clerk, in the case of a city,

(b) the secretary, in the case of a town, new town, village, summer village, county or municipal district, or

(c) the Deputy Minister of Municipal Affairs, in the case of an improvement district or a special area.

(2) If a person to whom an order is issued under section 22 does not commence an appeal of the order within the time set out in this Act for the commencement of the appeal and the order is not carried out within the time set out in the order,

(a) a Director or a safety officer appointed under section 17(1) may,

(b) a safety officer appointed under section 17(2) may, after advising the Director, or

(c) a safety officer appointed under section 17(2) may, if the accredited municipality is directed by a Director to enter a premise or place for the purpose of carrying out the order,

together with any persons that are necessary, enter, at any reasonable time, any premises or place for the purpose of carrying out the order unless the owner refuses to allow or interferes with, the entry or the carrying out of the order.

(3) If a person to whom an order is issued under section 23 or 24 does not commence an appeal of the order within the time set out in this Act for the commencement of the appeal and the order is not carried out within the time set out in the order,

(a) a Director or a safety officer appointed under section 17(1) may, after advising a Director,

(b) a safety officer appointed under section 17(2) may, after advising a Director, or

(c) a safety officer appointed under section 17(2) may, if the accredited municipality is directed by a Director to enter a premise or place for the purpose of carrying out the order,

together with any persons that are necessary, enter, at any reasonable time, any premises or place and carry out the order unless the owner refuses to allow or interferes with, the entry or the carrying out of the order.

(4) When an order is carried out under subsection (2)(a) or (3)(a), the Director may certify to the clerk of the municipality where the order was carried out the amount of the expenses incurred in carrying out the order and the municipality shall forthwith pay to the Minister the amount of those expenses.

(5) When a municipality pays money pursuant to subsection (4) or a safety officer carries out an order under subsection (2)(b) or (c) or

(3)(b) or (c), the municipality may place the amount paid or the amount of the expenses incurred by itself in carrying out the order on the tax roll as an additional tax against the land concerned and that amount

(a) forms a lien on the land in favour of the municipality, and

(b) shall, for all purposes, be deemed to be taxes imposed and assessed on the land and in arrears under the *Municipal Taxation Act* from the date of payment to the Director or the date the accredited municipality incurred the expenses, as the case may be, and that Act and the *Tax Recovery Act* apply to the enforcement, collection and recovery of the amount.

Order of the Court

27(1) If a person fails to comply with an order issued to him under section 22, 23, 24, 59, 60 or 61 within the time specified in the order and the order is not under appeal, or if an owner refuses to allow a Director or a safety officer or person lawfully accompanying them to carry out the order under section 26 or interferes with or attempts to interfere with the carrying out of that order under section 26 the Director or the accredited municipality, as the case may be, may, whether or not that person has been prosecuted under section 74 or 77, apply to the Court of Queen's Bench by way of originating notice for an order

(a) requiring that person to comply with the order issued under section 22, 23, 24, 59, 60 or 61, or

(b) restraining that owner from interfering in any manner with the carrying out an order in accordance with section 26.

(2) A copy of the originating notice and each affidavit in support shall be served not less than 3 days before the day named in the notice for the hearing or such shorter time as the Court may direct.

Notice of outstanding orders

28(1) If a person is issued an accepted equivalent or if a person to whom an order is issued under section 22, 23, 24, 59, 60 or 61

(a) does not commence an appeal of the order within the time set out in this Act for commencement of an appeal,

(b) is not granted a stay of the order under section 25, and

(c) the order is not carried out within the time set out in the order,

a Director may place an entry on a register that briefly indicates the subject-matter of the accepted equivalent or outstanding order and indicates the location of and the name of the owner of, the subject-matter of the accepted equivalent or outstanding order.

(2) A person may request one or more of the following:

(a) a search of the register according to the name of an owner;

(b) a search of the register according to the location of a thing or activity to which this Act applies;

(c) if authorized by the Minister, a search according to criteria other than that referred to in clause (a) or (b);

(d) a printed result of a search referred to in clauses (a) to (c).

## Emergencies, Accidents, Inquiries

### Emergency

29(1) If a safety officer is, on reasonable and probable grounds, of the opinion that there is an imminent danger that persons may be harmed, injured or killed or that property is substantially damaged or may collapse or be destroyed because any thing or activity to which this Act applies does not meet the requirements of this Act, the safety officer may, notwithstanding anything in this Act, take any action he considers necessary to remove or reduce the danger and without limiting the generality of the foregoing including the disconnection or requiring the disconnection of equipment or of the water or gas or electrical power supply and ordering the evacuation of persons from the property.

(2) A safety officer may request the assistance of a peace officer when acting under subsection (1).

### Incident, accident notification

30(1) If an incident for which notification is required by the regulations or if an accident that involves any thing or activity to which this Act applies results in damage to property, an injury to a person that requires medical treatment to or causes death of a person or an injury that causes the death of an animal, the owner or person responsible for the thing or activity involved in the incident or accident shall forthwith notify

(a) a Director, and

(b) an accredited municipality, if the thing or activity is located within an accredited municipality that is authorized to administer the part of this Act that relates to the thing or activity.

(2) A Director may require the owner of any thing or person who authorizes, undertakes or supervises any activity to which this Act applies, involved in an incident or accident to provide him with a written report in a manner satisfactory to the Director within the time specified by the Director and with the information required by the regulations.

**Incident, accident investigation**

31(1) A Director or an accredited municipality, described in section 30(1)(b), may investigate or authorize a safety officer to investigate the premises or place where an incident or accident, described in section 30(1), occurred to determine the cause and circumstances of the incident or accident and make recommendations related to safety.

(2) If a Director or accredited municipality undertakes an investigation,

(a) the Director shall, on the request of the accredited municipality, supply the accredited municipality, and

(b) the accredited municipality shall supply the Director

with a copy of any report about the incident or accident.

(3) For the purposes of investigating an incident or accident, a Director or safety officer may

(a) take with him any person or thing that he considers would be of assistance in making the investigation;

(b) if in the opinion of the Director or safety officer it is necessary in order to preserve evidence or for safety reasons, close the premises or place or part of the premises or place in which the incident or accident occurred, except insofar as may be necessary for the purpose of preventing death or injury or protecting property, and prohibit any person other than a police officer in the execution of his duty from entering or remaining in the premises or place or part of the premises or place for 48 hours or any extended period of time that a justice may authorize;

(c) exercise any of his powers under section 18 and demand the production of records or documents in accordance with section 19.

(4) A Director or safety officer shall, as soon as possible after the completion of the investigation, return to the person entitled any thing removed during the investigation unless it is impossible, unsafe or impractical to return it.

Inquiry

32(1) The Minister, or a person appointed by the Minister in writing for that purpose, may hold an inquiry on the cause, origin and circumstances of a fire other than a forest fire or of an accident or unsafe condition that involves any thing or activity to which this Act applies.

(2) The person holding the inquiry has all the powers and immunities of a commissioner appointed under the *Public Inquiries Act* and all the powers and immunities of a safety officer.

(3) The person holding the inquiry may admit in evidence at the inquiry, whether or not it is admissible as evidence in a judicial proceeding,

(a) any oral testimony, or

(b) any document or other thing,

that is relevant to the purposes of the inquiry.

(4) The person holding the inquiry shall as soon as possible after the completion of the inquiry prepare and submit a report to the Minister in a form acceptable to the Minister.

## PART 2

## STANDARDS, CERTIFICATES, PERMITS

### Alternates

Accepted equivalent

33(1) A Director or a safety officer, designated in writing by a Director, may issue a written accepted equivalent with respect to any thing or activity to which this Act applies if in his opinion an accepted equivalent provides approximately equivalent safety performance in respect of persons or property as provided for by this Act.

(2) A designation of a safety officer may include terms and conditions.

(3) A Director or safety officer may include terms and conditions he considers necessary in the accepted equivalent.

(4) An accepted equivalent is in effect only during the period of time prescribed in it and only applies to what is specified in it.

(5) An owner, vendor, contractor, manufacturer or designer of a thing or a person who authorizes, undertakes or supervises any activity that is subject to an accepted equivalent shall ensure that the terms and conditions of the accepted equivalent are complied with.

(6) The *Regulations Act* does not apply to an accepted equivalent issued under this section.

**Alternate material, equipment, etc.**

**34**(1) A building, material, system or equipment, for which standards have not been established by an accredited association under the *Standards Council of Canada Act* (Canada) or approved by the Standards Council of Canada as a national standard pursuant to that Act or that varies from the requirements in the regulations, may be approved for use by a Director if it can be shown to the satisfaction of the Director that the building, material, system or equipment is suitable on the basis of

(a) its past performance,

(b) sound engineering practice,

(c) tests designed to simulate or exceed anticipated service conditions,

(d) tests designed to compare its performance with the performance of a similar building, material, system or equipment for which standards are provided by the regulations, or

(e) an evaluation undertaken by a person or organization whose qualifications are acceptable to the Director.

(2) A Director may impose terms and conditions he considers necessary on the approval and those terms and conditions are part of the approval.

(3) The *Regulations Act* does not apply to an approval under this section.

**Alternate test standards**

**35** A Director may accept the results of tests based on standards other

than those described in the regulations if he is satisfied that the alternate standards ensure a level of safety comparable with the standard provided by the regulations.

**Alternate use**

36(1) If any equipment to which this Act applies is approved by the regulations for a certain use or purpose, no person shall use that equipment for any other use or purpose unless the use or purpose is approved by a Director.

(2) If this Act requires that any equipment is approved before it is installed or operated, no person shall install or operate that equipment unless it has been approved in accordance with this Act.

**Alternate work procedure**

37 If the regulations provide a procedure for how electrical work, welding or any other work is to be done, no person shall do that work by any other procedure unless the procedure is approved by a Director.

**Quality Control, Guidelines**

**Quality control system**

38(1) An owner, occupier, vendor, contractor, manufacturer or designer of a thing or a person who authorizes, undertakes or supervises, an activity, to which this Act applies may be required by a written order of a Director or by the regulations to have and maintain a quality control system that is satisfactory to the Director.

(2) An owner, occupier, vendor, contractor, manufacturer, designer or other person shall, prior to making a change to a quality control system, notify a Director of the change if it is a type of change for which the Director requires notification.

(3) An owner, occupier, vendor, contractor, manufacturer, designer or other person who has or maintains a quality control system shall, on the request of a Director or safety officer, make available a copy of a written description of the quality control system and submit reports respecting the quality control system.

**Bulletins, guidelines**

39 A Director may issue information, bulletins and guidelines with respect to this Act.

## Certificate of Competency

**Certificate required**

40(1) No person shall, unless the person holds a certificate of competency specified in the regulations as authorizing the holder to undertake that activity,

(a) weld or braze pressure equipment,

(b) operate or supervise the operation of a pressure plant, power plant or heating plant,

(c) operate a thermal liquid heating system,

(d) perform electrical work,

(e) construct, install, repair, maintain, test or put into operation an elevating device,

(f) install, repair or alter a gas installation, gas equipment, plumbing equipment, plumbing system or private sewage disposal system, or

(g) undertake any type of activity for which a certificate of competency is required by the regulations.

(2) No person shall, if the regulations require that a certificate of competency is held,

(a) install or maintain any combustible, explosive or flammable material or any material, appliance, equipment or structure that is designated by the regulations as something that is likely to cause a fire or other hazard,

(b) install, maintain or repair firefighting or fire protection equipment and systems including but not limited to lightning protection systems, fire detection, alarm, communication and monitoring equipment and systems, or

(c) test applicants for a certificate of competency

unless the person holds a certificate of competency that authorizes the holder to undertake the installation, maintenance, repair or alteration or to test applicants.

(3) No person shall employ or authorize a person to undertake an activity referred to in subsection (1) or an activity referred to in subsection (2), if the regulations require that the person holds a certificate of competency, unless the person holds a certificate of competency that authorizes the person to undertake that activity.

(4) This section does not apply with respect to elevating devices in private dwellings and does not apply with respect to any activity referred to in subsection (1) if that activity is exempted by the regulations from the requirement for a certificate of competency.

**Board of examiners**

41(1) A Minister may appoint persons to a board of examiners.

(2) A board of examiners may

(a) determine whether an applicant for a certificate of competency has successfully completed the requirements for the certificate, and

(b) advise a Director on all matters affecting the issuance of certificates of competency.

(3) Members of a board of examiners shall be paid remuneration for their services and travelling and living expenses necessarily incurred in the performance of their duties at the rate prescribed by the Minister.

**Certificate issues, etc.**

42(1) A person may apply, in accordance with the regulations, for a certificate of competency of any type provided for in the regulations.

(2) An applicant for a certificate of competency may be required to provide proof satisfactory to a Director or a board of examiners of having successfully completed any instruction, training, work experience, examinations or other matters required pursuant to the regulations.

(3) If a person meets the requirements of the regulations, a Director may grant the person a certificate of competency.

(4) A certificate of competency is valid for the length of time specified on it unless it is cancelled or suspended earlier in accordance with the regulations.

## Permits

### Permits required

43(1) No person shall, without a permit issued for the purpose in accordance with this Act,

(a) use, occupy, relocate or construct a building,

(b) undertake electrical work,

(c) construct for use in Alberta or install an elevating device or a component of an elevating device or put into service a new or altered, as defined in the regulations, elevating device or maintain an elevating device,

(d) install or alter any gas equipment, gas installation, plumbing equipment, plumbing system or private sewage disposal system,

(e) put into service or operate a pressure plant, power plant or heating plant,

(f) construct or manufacture pressure equipment by welding, brazing or otherwise,

(g) conduct welder additional performance or retesting tests for a certificate of competency with respect to welding and brazing in accordance with the regulations,

(h) service pressure relief valves,

(i) conduct tests of pressure equipment,

(j) install an appliance, equipment, structure or other thing that may cause a fire or other hazard if the regulations require that a permit for that purpose must be issued, or

(k) perform any other activity under Part 3.

(2) A permit is not required with respect to a type of building, electrical work, elevating device, gas equipment, gas installation, plumbing equipment, plumbing system or private sewage disposal system exempted by the regulations from the requirement for a permit.

(3) Subsection (1)(c) does not apply to an elevating device in a private dwelling.

(4) A permit shall not be issued for the construction of an elevating device for use in Alberta or the installation of an elevating device or a component of an elevating device unless its design is registered in accordance with the regulations.

(5) A person who undertakes any activity pursuant to a permit shall do so in accordance with this Act and shall ensure compliance with any terms or conditions contained in the permit.

**Pressure equipment permit**

44(1) Subject to subsection (2), no person shall operate pressure equipment unless a permit to operate is issued in respect of it.

(2) A permit is not required for the type or classification of pressure equipment exempted by the regulations from the requirement for a permit.

(3) Before a safety officer issues a permit to operate pressure equipment, the safety officer must be satisfied that

(a) the design of the pressure equipment is registered,

(b) the pressure equipment is stamped with an Alberta identification number in accordance with regulations, and

(c) the pressure equipment meets the requirements of this Act.

(4) A permit to operate shall contain the information and may contain conditions provided for in the regulations.

(5) No person shall operate or use or permit to be operated or used any pressure equipment in excess of the maximum allowable pressure and temperature specified on its permit to operate, below the minimum allowable metal temperature or contrary to any other condition of the design or condition specified in the permit to operate.

(6) Unless exempted by the regulations every owner of and every person in charge of pressure equipment mounted on a public vehicle as defined in the *Motor Transport Act* shall ensure that the permit to operate or a copy of it is retained on the vehicle and shall produce it on demand of a safety officer or a peace officer as defined in the *Motor Vehicle Administration Act*.

**Application for certain permits**

45(1) Unless an applicant submits in support of an application for a permit plans, drawings or specifications that comply with the requirements

of this Act, a permit shall not be issued for the construction, relocation or change in use or occupancy of a building and shall not be issued, if the regulations require the submission of plans, drawings or specifications, for the construction of a gas installation, plumbing system, private sewage disposal system, electrical equipment or electrical work.

(2) Notwithstanding any other enactment, if the regulations require that an application for the construction of a type or category of building, gas installation, plumbing system, private sewage disposal system, electrical equipment or electrical work must be accompanied by plans, drawings or specifications that comply with the professional stamp and seal requirements of the regulations, no person shall submit in support of an application or as an application for a permit any plans, drawings or specifications for the construction of the building, gas installation, plumbing system, private sewage disposal system, electrical equipment or electrical work that do not comply with the professional stamp and seal requirements of the regulations.

(3) If a building, gas installation, plumbing system, private sewage disposal system, electrical equipment or electrical work is of a category described in the regulations that requires or a safety officer, even if it is not required by the regulations, requires, that the plans, drawings or specifications are

(a) imprinted with a stamp or seal affixed by or on behalf of a registered architect, visiting project architect or a licensed interior designer under the *Architects Act*, or

(b) imprinted with a seal affixed by or on behalf of one or more professional engineers or licensees registered under the *Engineering, Geological and Geophysical Professions Act* and qualified to engage in the appropriate combination of those branches of professional engineering that are applicable,

or requires that the plans, drawings or specifications are

(c) imprinted with a stamp or seal affixed by a registered architect, visiting project architect or a licensed interior designer under the *Architects Act* and one or more professional engineers or licensees registered under the *Engineering, Geological and Geophysical Professions Act* and qualified to engage in the appropriate combination of those branches of professional engineering that are applicable, or

(d) submitted by a registered architect or professional engineer or licensee who is authorized by the Council under the *Architects Act* or under the *Engineering, Geological and Geophysical Professions Act* to

submit those drawings, plans or specifications without the seal of the other profession,

a permit shall not be issued unless the applicant submits in support of the application for it plans, drawings or specifications for the construction of the building, gas installation, plumbing system, private sewage disposal system, electrical equipment or electrical work that comply with the requirements referred to in this subsection and any other requirements of the regulations.

(4) An owner, who intends to construct a building, gas installation, plumbing system, private sewage disposal system, electrical equipment or electrical work to which subsection (3) applies, shall submit evidence to the safety officer, before construction begins, that he has retained

(a) a registered architect, a visiting project architect or licensed interior designer under the *Architects Act*,

(b) one or more professional engineers or licencees registered under the *Engineering, Geological and Geophysical Professions Act*, or

(c) both

to review the construction while the building, gas installation or electrical work is being constructed.

Construction review

46 On issuing a permit for relocation or construction of a building, or construction of a gas installation, plumbing system, private sewage disposal system or electrical work a safety officer may, even if it is not required by this Act, require that its construction be reviewed while it is being constructed by a registered architect, visiting project architect or licensed interior designer under the *Architects Act* or one or more professional engineers or licensees registered under the *Engineering, Geological and Geophysical Professions Act* and qualified to engage in the appropriate combination of those branches of professional engineering that are applicable, or both if the safety officer believes, on reasonable and probable grounds that the size or complexity of the building, gas installation, plumbing system, private sewage disposal system, electrical equipment or electrical work requires for safety reasons, such a review.

Permit subject to other Acts, etc.

47 A permit under this Act does not authorize

(a) the construction of any thing that does not comply with the requirements of any building restriction agreement affecting the site described in the permit, or

(b) any person to construct any thing that does not comply with any other enactment.

**Fireworks, open fire permits**

48(1) No person shall, without a permit issued for the purpose in accordance with this Act,

(a) sell fireworks,

(b) construct or ignite a fireworks display, or

(c) ignite an open fire of the type required by regulation to have a permit.

(2) Notwithstanding subsection (1), a permit is not required for the sale of fireworks or for a fireworks display if the regulations exempt the person or class of person or the type of fireworks or fireworks display from the requirement for a permit.

**Utilities hook-up**

49(1) No person shall provide gas for a gas installation or an electrical energy connection to electrical equipment unless

(a) a permit is issued in accordance with this Act with respect to the gas installation or the electrical equipment, or

(b) the gas installation or electrical equipment is exempted by the regulations from the requirement for a permit.

(2) If the regulations require that a permit is issued with respect to a plumbing system, no person shall provide water for the plumbing system unless a permit is issued in accordance with this Act with respect to the plumbing system.

## PART 3

## BOILERS AND PRESSURE VESSELS SAFETY

**Interpretation**

50(1) In this Part,

(a) "fitting" means a valve, gauge, regulating and controlling device, flange, pipe fitting or any other appurtenance which is attached to or forms part of a boiler, pressure vessel or pressure piping system in a power plant, heating plant or pressure plant;

(b) "registered" means registered in accordance with the regulations.

(2) If there is a difference of opinion as to whether a thing is a fitting or a pressure vessel the difference of opinion shall be resolved by referring the matter to a Director whose decision shall be final.

**Interference with fittings prohibited**

51 No person shall, without written permission from a safety officer, interfere with, render inoperative or do away with any fitting that is by this Act required to be part of a power plant, heating plant or pressure plant.

**Pressure Equipment**

**Notification of unsafe condition**

52 The owner of pressure equipment shall notify a Director immediately on discovery of any thing that renders it or may render it unsafe to operate or use.

**Design registration**

53(1) No person shall construct or commence construction of pressure equipment in Alberta for use in Alberta unless its design has been registered and all the applicable welding and brazing procedures are registered.

(2) A person who brings into Alberta new or used pressure equipment, the design of which has not been registered, shall apply to a Director for registration of the design.

(3) When a Director is satisfied that the design of the pressure equipment meets the requirements of the regulations, the design shall be registered and the applicant shall be notified.

(4) No person shall construct or commence construction of pressure equipment in accordance with a registered design that has been changed unless the changed design is submitted for registration and a Director on being satisfied that the changed design meets the requirements of the regulations, registers the changed design.

**Unsafe and obsolete designs**

54(1) If a Director considers that a registered design for pressure equipment

(a) is no longer safe for use in construction of pressure equipment, or

(b) does not meet or no longer meets the requirements of the regulations,

the Director shall give notice in writing to the owner of the design that from a date specified in the notification that no pressure equipment shall be constructed for use in Alberta in accordance with the design.

(2) On receipt of a notice under subsection (1), the owner of the design shall forward copies of it to every person who is permitted to construct pressure equipment in accordance with the design referred to in the notice.

(3) No person shall construct pressure equipment in Alberta, for use in Alberta, contrary to a notice referred to in subsection (1).

(4) No person shall use, sell or otherwise dispose of any pressure equipment in Alberta, for use in Alberta, if the design is the subject of a notice referred to in subsection (1) and the pressure equipment was constructed, in accordance with the design, after the date specified in the notice under subsection (1).

**Owner and manufacturer responsible**

55(1) A person who constructs pressure equipment for use or operation in Alberta shall ensure that the design is registered and that it is constructed in accordance with the design and the regulations.

(2) The registration of a design or of a changed design of pressure equipment does not relieve

(a) the owner of the design from the responsibility for ensuring that the design complies with the regulations, or

(b) any person constructing in accordance with the design from the responsibility for ensuring that the construction complies with the regulations.

**Sale, installation of pressure equipment**

56(1) No person shall sell, rent, exchange or otherwise dispose of pressure equipment that is to be installed for use in Alberta or install pressure equipment unless its design is registered and either

(a) a permit to operate is issued with respect to it, or

(b) it is exempted, by the regulations, from the requirement of a permit to operate.

(2) A person who intends to sell, rent, exchange or otherwise dispose of used pressure equipment previously installed in Alberta that is intended to be used or operated in Alberta, shall submit to a Director a report that provides the information required by the regulations.

**Power Plants, Heating Plants and Systems**

**Plant supervision**

57(1) When pursuant to this Act the operation of pressure equipment, a power plant or heating plant requires the supervision by a person who holds an applicable type of certificate of competency, no person shall assign duties to or give directions to the holder of the certificate of competency that could result in the operation of the pressure equipment, power plant or heating plant contraveneing this Act.

(2) When supervision of pressure equipment, a power plant or heating plant by the holder of a certificate of competency is not required by this Act, the owner shall supervise the proper care and safe operation of the pressure equipment, power plant or heating plant.

**Activity of power engineers**

58 The holder of a certificate of competency of a type that authorizes him to act as a power engineer may sketch, construct, install, operate, repair and give advice on all things pertaining to a power plant in which he is employed but he is not entitled to perform welding unless he holds a certificate of competency of a type that authorizes him to do so.

**Power plant supervision**

59(1) An owner of a power plant shall not operate it nor permit it to be operated unless it is operated

(a) under the general supervision of the person who holds a certificate of competency of a type that authorizes the person to act as chief power engineer of the power plant, and

(b) under the continuous supervision of a person who holds a certificate of competency of a type that authorizes the person to act as a shift power engineer under the general supervision of a chief power engineer.

(2) If, in the opinion of a Director, there are insufficient power engineers to exercise satisfactory supervision over a power plant, the Director may, by order served in accordance with section 22, direct the owner of the plant to employ the number of power engineers that the Director considers necessary to satisfactorily supervise the plant.

(3) This section does not apply to the owner of

(a) a power plant that

(i) is used to heat a process fluid when the heat is generated as a result of burning inherent in the process or any other reaction inherent in the process, and

(ii) does not generate steam,

(b) a power plant which heats a fluid other than water in a process where the fluid heated is inherent in the process, or

(c) a power plant that is exempted, by the regulations, from the requirements of this section.

Heating plant supervision

60(1) An owner of a heating plant of a capacity specified in the regulations that is used primarily for the purpose of heating buildings shall not operate it or permit or cause it to be operated unless it is under the general supervision of the holder of a certificate of competency of a type that authorizes the holder to exercise general supervision of and be responsible for the heating plant.

(2) If there is a difference of opinion as to whether the primary purpose of a heating plant is for the heating of one or more buildings, the matter shall be referred to a Director whose decision is final.

(3) If, in the opinion of a Director, there are insufficient persons responsible for the supervision of one or more heating plants, the Director may, by order served in accordance with section 22, direct the

owner to employ a sufficient number of persons who hold certificates of competency of the type that authorizes them to supervise the heating plant or plants.

**Thermal liquid heating system supervision**

61(1) An owner of a thermal liquid heating system shall not operate it or cause or permit it to be operated unless it is under the general supervision of a person who holds a certificate of competency of a type that authorizes the person to exercise general supervision of the thermal liquid heating system.

(2) If, in the opinion of a Director, there are insufficient persons responsible for the supervision of one or more thermal liquid heating systems, the Director may, by order served in accordance with section 22, direct the owner to employ a sufficient number of persons who hold certificates of competency of a type that authorizes them to supervise the thermal liquid heating system or systems.

## PART 4

## FIRE SAFETY

Local assistants

62(1) Subject to subsections (2) and (3), the following are designated as local assistants:

(a) the fire chief of the fire department, in a municipality that has a fire department,

(b) the mayor, reeve or chairman of the board of administrators, as the case may be, in a municipality that does not have a fire department or a fire chief, and

(c) a person appointed by the Minister of Municipal Affairs, in an improvement district or special area.

(2) A fire chief may designate other members of the fire department to act as local assistants on his behalf, and a person so designated has all the powers and duties and is subject to the same obligations as a local assistant.

(3) The mayor, reeve or chairman of the board of administrators of a municipality may appoint a person other than himself to be the local assistant for that municipality or part of it.

(4) A mayor, reeve or chairman of a board of administrators shall forthwith advise a Director in writing of any appointment or change in an appointment he makes under subsection (3).

(5) A local assistant shall, in the area over which his jurisdiction as local assistant extends, perform the duties required of him under this Act.

Investigation of fires

63(1) A local assistant shall investigate the cause, origin and circumstances of every fire, excluding a forest fire, in which a person loses his life or suffers injury requiring medical attention or in which property is damaged or destroyed, that occurs in the municipality or part of a municipality over which he has jurisdiction.

(2) When the local assistant considers it necessary for the purposes of preserving evidence for the purposes of an investigation pursuant to subsection (1), he may at any time of day or night with the consent of the owner, with a warrant or without a warrant, if the local assistant believes, on reasonable and probable grounds that it is not practical to obtain a warrant because the necessary delay may result in the loss of evidence, enter

(a) the building or place where the fire occurred, and

(b) any other building or place adjoining or near to the building, structure or place where the fire occurred.

(3) The local assistant may

(a) take with him any person or thing that he considers would be of assistance in making the investigation;

(b) close the building or place in which the fire occurred and prohibit any person other than a peace officer in the execution of his duty from entering or remaining in the building or at the place for 48 hours or any extended period of time that a justice may authorize;

(c) perform or cause to be performed any tests he considers necessary on the building or place or anything in it in order to determine the cause, origin and circumstances of the fire, and may remove anything for the purposes of the investigation.

(4) The local assistant shall, on completion of the investigation, return to the person entitled to it any thing removed from a building or place

under subsection (3)(c) unless it is impossible, unsafe or impractical to return it.

(5) Notwithstanding subsection (4), a local assistant may,

(a) with a warrant, or

(b) without a warrant if on reasonable and probable grounds the local assistant believes it is not practical to obtain a warrant because the necessary delay may result in the loss of evidence,

detain or remove for the purposes of evidence any thing that he discovers during an investigation which he believes on reasonable and probable grounds may provide evidence of the commission of an offence under this Act.

(6) The local assistant shall, if he has information that indicates to him that the fire

(a) is or may be of incendiary origin, or

(b) has resulted in loss of life,

report that information immediately to a Director.

(7) The local assistant shall,

(a) as soon as possible after the completion of the investigation, prepare and submit to a Director a report in the form satisfactory to the Director within the time and with the information required by the regulations, and

(b) provide to a Director any further information respecting the investigation that the Director requests.

(8) A Director may make an investigation under this section in addition to or instead of the investigation made by the local assistant and, for the purposes of such an investigation, has the powers of a local assistant under subsections (2) and (3).

**Fire reports**

64(1) Every insurance company licensed to undertake contracts of fire insurance in Alberta shall, within 7 days after the end of every month, furnish a report to a Director in the manner prescribed by regulations showing, with respect to every fire that occurred in Alberta in the

previous month and in which that company is interested as insurer, the information required by the regulations.

(2) A person who sustains or claims to have sustained a loss by fire on property in Alberta on which no insurance is in effect or if insurance is in effect but the loss is less than the deductible, the person shall furnish a report to a Director in the manner prescribed by the regulations within 10 days after the occurrence of the fire.

(3) A person who sustains or claims to have sustained a loss by fire on property in Alberta that is insured wholly or partially with an insurance company not licensed or registered under the *Insurance Act* shall, within 10 days after complete proofs of loss are furnished to the company with which the insurance is placed, furnish to a Director a report in the manner prescribed by the regulations.

(4) A person engaged in making adjustments of a loss or damage by fire in Alberta shall, within 7 days after the end of every month, furnish a report to a Director in the manner prescribed by the regulations showing the adjustments made by him in the previous month.

(5) If a person engaged in

(a) making adjustments of a loss or damage by fire, or

(b) investigating a fire, other than under this Act,

has information that indicates that the fire is or may be of incendiary origin, the person shall forthwith report that information to a Director.

**Fire department**

65 The firefighting and fire protection and other related equipment of a fire department or brigade of a municipality or corporation that may operate in conjunction with another fire department or brigade must meet the requirements of the regulations.

**Fire hazard**

66 A person who installs or maintains any material, appliance, equipment or structure that is likely to cause a fire hazard shall do so in accordance with the regulations.

## PART 5

## GENERAL

**Fees**

67(1) A Director may, in accordance with an order of the Minister, charge fees for any inspection, examination, evaluation, investigation, review of design or registration and for any certificate or permit issued, or for any other material or service provided pursuant to this Act.

(2) An accredited municipality may, in acccordance with a by-law, charge fees for any inspection, examination, evaluation, investigation, review of design or registration and for any certificate or permit issued, or for any other material or service provided pursuant to this Act.

**Liability for injury, etc.**

68(1) The Council, no member of the Council and no Director, accredited municipality, approved agency, safety officer nor local assistant acting lawfully and in good faith under this Act is liable for any injury, loss or damage caused

(a) to any person or property by reason of any advice given or action taken or not taken,

(b) by a defect in any thing or activity to which this Act applies, or

(c) by an order issued under this Act.

(2) A Director, safety officer, local assistant or person lawfully accompanying any of them is not liable for any injury, loss or damage caused to any person or property while carrying out, using reasonable care, an inspection or investigation in accordance with this Act or while using reasonable care taking action under section 29.

(3) The Minister or a person appointed under section 32 and any person lawfully accompanying either of them is not liable for any injury, loss or damage caused to any person or property while carrying out, using reasonable care, an inquiry in accordance with this Act.

(4) Nothing in this Act nor any advice given by a member of the Council, Council or by a Director, a safety officer or a local assistant nor any action carried out under section 29 nor any inquiry, investigation or inspection carried out nor any approval or acceptance issued under sections 34 to 37 nor any registration, accepted equivalent, exemption,

information, bulletin, guideline, certificate, permit or order issued nor any entry placed or omitted to be placed on the register under section 26 affects the liability of any person for injury, loss or damage caused by any thing or activity to which this Act applies.

**Display of permits, certificates**

69 A permit or certificate issued under this Act shall be displayed or made available as required by this Act.

**Release of information**

70 The Minister, member of the Council, Director, accredited municipality, approved agency, safety officer, local assistant and any person employed in administration of this Act shall preserve secrecy with respect to all matters that come to their knowledge from employment in administration of this Act or from any document or investigation except

(a) for use in connection with the administration of this Act,

(b) in accordance with section 28,

(c) if it is published in statistical form whereby the place or premises investigated is not thereby readily identified,

(d) if the release of the information or document is required by an order of a court,

(e) if the release of the information or document is required under another Act,

(f) with the consent of the owner of the thing or activity that is the subject-matter of the information, or

(g) if the release of the information or document is authorized by the regulations.

**Regulations**

71(1) The Lieutenant Governor in Council may make regulations

(a) governing the manufacture, construction including review of the construction advertising, prohibition of sale, sale, lease or other disposition, identification, inspection, examination, evaluation, design, design registration, standards, installation, testing, approval, registration, operation, use, occupancy, maintenance, renewal, storage, relocation and disposal of

(i) pressure equipment, pressure plant, thermal liquid heating systems, power plants and heating plants;

(ii) elevating devices;

(iii) electrical equipment and electrical work;

(iv) gas equipment and gas installations;

(v) firefighting and fire protection equipment and systems including but not limited to lightning protection systems, fire detection, alarm, communication and monitoring equipment and systems;

(vi) combustible, explosive or flammable matter and material, appliances or equipment likely to cause a fire hazard;

(vii) plumbing equipment, plumbing systems and private sewage disposal systems;

(viii) buildings, building materials, equipment, protection devices and appliances with respect to buildings or classes of buildings, including site development and the use of the property on which the building is located during construction or relocation;

(ix) any other thing or activity to which this Act applies;

(b) providing for categories of buildings, gas installations, plumbing systems, private sewage disposal systems, electrical equipment and electrical works and for categories of any other things to which this Act applies for which the plans, drawings or specifications require stamps or seals affixed by or on behalf of and for which the construction must be reviewed by, a registered architect, visiting project architect or licensed interior designer under the *Architects Act* or one or more professional engineers or licensees under the *Engineering, Geological and Geophysical Professions Act* or both;

(c) governing firefighting and fire protection including fire safety where people work, live or congregate;

(d) governing welding and brazing of pressure equipment;

(e) designating equipment or structures as elevating devices for the purposes of this Act and defining "altered" for the purposes of section 43;

(f) governing, including the designation of, materials, appliances, equipment or structures as likely to cause a fire or other hazard;

(g) governing exclusions from the definitions of building, electrical equipment, gas, gas equipment, gas installation, plumbing equipment, plumbing system and private sewage disposal system for the purposes of this Act;

(h) governing documents, including but not limited to records and reports, that are required to be prepared, submitted or retained under this Act and the qualifications of the person preparing, submitting or retaining the documents and specifying the information to be submitted.

(2) If a code, standard or body of rules relating to

(a) pressure equipment, pressure plants, thermal liquid heating systems, power plants and heating plants,

(b) welding or brazing of pressure equipment,

(c) elevating devices,

(d) electrical equipment and electrical work,

(e) gas equipment and gas installations,

(f) firefighting and fire protection including fire safety where people work, live or congregate,

(g) firefighting and fire protection equipment and systems including lightning protection, fire detection, alarm, communication and monitoring equipment and systems,

(h) combustible, explosive or flammable matter and material, appliances or equipment likely to cause a fire or other hazard,

(i) plumbing equipment and plumbing systems and private sewage disposal systems,

(j) buildings, building materials, equipment protection devices and appliances and building design, construction, site development or the use of the property on which the building is located during construction or relcation, or

(k) safety materials and safety protection devices and appliances,

has been promulgated by any association or body or persons and copies are available, the Lieutenant Governor in Council may, in addition to or instead of any regulation it may make under subsection (1), by regulation declare the code, standards or rules to be in force either in whole or in part or with any variations that it specifies.

(3) The Minister may make regulations

(a) governing the issuance, renewal, suspension, cancellation and the display and making available of, permits and certificates, including but not limited to designating types of certificates of competency and the type of thing or activity for which a certificate of competency or permit is required or for which the requirement for a certificate or permit is exempted;

(b) governing the qualifications of safety officers and providing for identification cards for safety officers;

(c) providing for copies of which orders or classes of orders must be sent to a Director under section 22;

(d) governing approved agencies;

(e) governing forms for the purpose of this Act;

(f) governing notification of incidents under section 30;

(g) governing the release of information or documents under section 70;

(h) governing quality control systems, including but not limited to the examination and evaluation of quality control systems and requiring owners, occupiers, vendors, contractors, manufacturers or designers of things or classes of things and persons who authorize, undertake or supervise activities or classes of activities, to which this Act applies to have and maintain quality control systems;

(i) providing for any other matter required for the administration of this Act.

(4) If a code, standards or body of rules, rules relating to quality control systems and their examination and evaluation has been promulgated by any association or body or persons and copies are available, the Minister may, in addition to or instead of any regulation the Minister may make under subsection (3), by regulation declare the code, standards or rules to be in force either in whole or in part or with any variations that he specifies.

Orders

72 The Minister may make orders

(a) respecting fees for inspections, examinations, evaluations, investigations, review of designs, registrations, issuance of certificates or permits and provision of any other material, program or service provided under this Act;

(b) respecting the payment of fees to witnesses and interpreters and for reporting fires.

By-laws

73(1) Notwithstanding subsection (2), an accredited municipality may pass by-laws respecting fees for inspections, examinations, evaluations, investigations, review of designs, registrations, issuance of certificates or permits and provision of any other material or service provided by the accredited municipality under this Act.

(2) A by-law of a municipality is inoperative if it

(a) sets a standard for a thing or activity to which this Act applies, or

(b) provides for any matter in connection with a thing or activity to which this Act applies if this Act provides for or regulates that matter.

**Prohibitions**

**Safety officer not to be hindered**

74(1) A person who interferes with or hinders in any manner a safety officer in the exercise of his powers and duties under this Act is guilty of an offence.

(2) A person who makes a false or misleading statement either orally or in writing to a safety officer under section 18(1)(e) is guilty of an offence.

**Failure to provide report**

75 A person who fails to prepare, submit or retain a report, record or document that he is required by this Act to prepare, submit or retain is guilty of an offence.

Attendance at inquiry

76 A person who fails to attend, when summoned to do so, before a person holding an inquiry under section 32 is guilty of an offence.

General offence

77 A person who

(a) contravenes this Act,

(b) contravenes a condition in a permit, certificate or an accepted equivalent,

(c) contravenes an order, or

(d) fails to carry out any action required to be taken in an order within the time specified in it,

is guilty of an offence.

Penalty

78(1) A person who is guilty of an offence is liable

(a) for a first offence,

(i) to a fine of not more than $15 000 and in the case of a continuing offence, to a further fine of not more than $1000 for each day during which the offence continues after the first day or part of a day, or

(ii) imprisonment for a term not exceeding 6 months,

or to both fines and imprisonment, and

(b) for a 2nd or subsequent offence,

(i) to a fine of not more than $30 000 and in the case of a continuing offence, to a further fine of not more than $2000 for each day or part of a day during which the offence continues after the first day, or

(ii) to imprisonment for a term not exceeding 12 months,

or to both fines and imprisonment.

(2) If a person is guilty of an offence under this Act, the court may, in addition to any other penalty imposed or order made, order the person to comply with this Act or any order, permit, certificate or accepted equivalent or all or any one or more of them, as the case requires.

**Proof by certificate**

79 For the purposes of a prosecution for a contravention of any provision of this Act requiring a person to hold a certificate, permit or accepted equivalent, a certificate purporting to be signed by the person authorized to issue the certificate, permit or accepted equivalent and stating that a person was or was not on a named day the holder of a valid and subsisting certificate, permit or accepted equivalent is, without proof of the signature or official character of the person signing the certificate, prima facie proof of the facts stated in it.

**Consent to prosecution**

80(1) A local assistant shall not institute a prosecution for a contravention of this Act or the regulations without the written consent of a Director.

(2) Subsection (1) does not apply to a prosecution for a contravention of this Act or the regulations that is instituted by way of a violation ticket under the *Summary Convictions Act*.

(3) Notwithstanding subsection (1), a local assistant of an accredited municipality for the purposes of Part 5 of this Act may institute a prosecution for a contravention without the written consent of a Director.

**Penalty proceeds**

81 Any fines resulting from an offence under this Act that takes place within the boundaries of an accredited municipality accrues to the benefit of that municipality.

## Application of Act

**Exemption**

82(1) The Minister may, by regulation, exempt any thing or activity from all or any provision of this Act and attach terms and conditions to the exemption.

(2) A regulation under this section may be made to apply generally or specifically and to apply to all or a particular area of Alberta.

**Crown bound**

**83** Her Majesty is bound by this Act.

**Transitional, Consequential, Repeal and Commencement Provisions**

**Permits, etc., continue**

**84** *A permit, licence, certificate, approval, registration or order under the*

(a) *Boilers and Pressure Vessels Act,*

(b) *Electrical Protection Act,*

(c) *Elevator and Fixed Conveyances Act,*

(d) *Fire Prevention Act,*

(e) *Gas Protection Act,*

(f) *Plumbing and Drainage Act, or*

(g) *Uniform Building Standards Act*

*continues as a permit, certificate, approval or registration, as the case may be, under this Act until it would have expired under the Act under which it was issued or it is suspended or cancelled.*

**Transitional**

**85**(1) *A person who is appointed as an inspector under the Boilers and Pressure Vessels Act, Electrical Protection Act, Elevator and Fixed Conveyances Act, Fire Prevention Act, Gas Protection Act, Plumbing and Drainage Act or the Uniform Building Standards Act is deemed to be appointed as a safety officer pursuant to section 17(1).*

(2) *A person who is designated or appointed as a local assistant under the Fire Prevention Act is deemed to be designated or appointed as a local assistant under this Act.*

**Transitional**

**86** *The Advisory Board under the Boilers and Pressure Vessels Act is continued as a board under the Department of Labour Act.*

**Consequential**

87(1) *The Architects Act is amended*

*(a) in section 1(e) by striking out "Uniform Building Standards Act" and substituting "Uniform General Safety Act";*

*(b) in section 2(5) by striking out* "in the *Uniform Building Standards Act" and substituting* "in regulations under the *Uniform General Safety Act";*

*(c) in section 3(2) by striking out* "described in section 5.4 of that Act" *and substituting* "not described in section 2(6)";

*(d) in section 28(1)*

*(i) by striking out "Uniform Building Standards Act for" and substituting "Uniform General Safety Act for";*

*(ii) by striking out* "described in section 5.4 of the *Uniform Building Standards Act" and substituting* "governed by section 49(2)(c) or (d) of the *Uniform General Safety Act".*

*(2) The Department of Public Works, Supply and Services Act is amended in section 22(3)(e) by striking out "Uniform Building Standards Act" and substituting "Uniform General Safety Act".*

*(3) The Engineering, Geological and Geophysical Professions Act is amended*

*(a) in section 2*

*(i) in subsection (6) by striking out* "in the *Uniform Building Standards Act* as set out in subsection (7)" *and substituting* "in regulations under the *Uniform General Safety Act";*

*(ii) by repealing subsection (7);*

*(b) in section 31 by striking out* "described in section 5.4 of the *Uniform Building Standards Act" and substituting* "governed by section 49(2)(c) or (d) of the *Uniform General Safety Act".*

*(4) The Historical Resources Act is amended by repealing section 47.*

*(5) The Individual's Rights Protection Act is amended in section 5 by striking out "Uniform Building Standards Act" and substituting "Uniform General Safety Act".*

*(6) The Legislative Assembly Act is amended in Part 3 of the Schedule by striking out* "Board of examiners under the *Electrical Protection Act*, Board of examiners under the *Gas Protection Act*" *and substituting* "Board of examiners under the *Uniform General Safety Act*".

*(7) The Licensing of Trades and Businesses Act is amended in section 2(b) by striking out "Boilers and Pressure Vessels Act" and substituting* .....

*(8) The Liquor Control Act is amended in section 49(1)*

*(a) in clause (c)(ii) by striking out* "an inspector under the *Uniform Building Standards Act* or the fire commissioner or an inspector under the *Fire Prevention Act*," *and substituting* "a Director, safety officer or local assistant under the *Uniform General Safety Act*,";

*(b) in clause (d) by striking out "Uniform Building Standards Act,* the *Fire Prevention Act* and the regulations under those Acts" *and substituting "Uniform General Safety Act* and the regulations under that Act".

*(9) The Municipal Government Act is amended*

*(a) in section 159 by repealing clauses (a), (d) to (f) and (h) to (m);*

*(b) by repealing sections 232 and 233 and substituting the following:*

232 A council may pass by-laws for licensing contractors who enter into contracts for the erection, alteration, or repair of buildings or structures, the installation of heating plants, plumbing or other fixtures or the performance of other similar work in the municipality, classifying those contractors, prescribing a schedule of licence fees to be paid by those contractors, which may vary as between the different classifications, and requiring those contractors to pay the prescribed fee as a condition of commencing to carry out any such contract.

*(10) The Provincial Offences Procedure Act is amended by adding the following after section 49:*

49.1(1) *The Uniform General Safety Act is amended by this section.*

*(2) Section 80(2) is amended by striking out "Summary Convictions Act" and substituting "Provincial Offences Procedure Act".*

*(11) The Universities Act is amended in section 50*

*(a) in subsection (1) by striking out* "The provisions" *and substituting* "Subject to subsection (3), the provisions";

*(b) by adding the following after subsection (2):*

(3) The *Uniform General Safety Act* and the regulations under it including any code adopted under that Act apply to the use and development of any real property owned by or leased to a university.

**Repeals**

88 *The Boilers and Pressure Vessels Act, Electrical Protection Act, Elevator and Fixed Conveyances Act, Fire Prevention Act, Gas Protection Act, Plumbing and Drainage Act and Uniform Building Standards Act are repealed.*

**Coming into force**

89 *This Act comes into force on Proclamation.*

# APPENDIX "B"

# DISCUSSION PAPER

# PRINCIPLES

# FOR A

# GENERAL SAFETY STATUTE

# PRINCIPLES FOR

# A

# GENERAL SAFETY STATUTE

DECEMBER, 1988

**PRINCIPLES FOR**

**A**

**GENERAL SAFETY STATUTE**

## A. INTRODUCTION

This document outlines the major principles that would be embodied in a proposed statute. It would facilitate safe use of electricity, pressure vessels, elevators and other fixed conveyances, buildings and other structures, plumbing and gas devices, and continued enhancement of Alberta's fire prevention and suppression capacity.

These principles would be embodied in a unified General Safety Statute which would replace seven existing statutes.

Gas Protection Act
Fire Prevention Act
Electrical Protection Act
Plumbing and Drainage Act
Uniform Building Standards Act
Boiler and Pressure Vessels Act
Elevator and Fixed Conveyances Act

The framework created by these statutes is directed towards influencing the level of risk to which Albertans are exposed. Effectiveness must be judged in terms of actual cooperation and interaction between key decision makers to reduce risk in a consistent and fair manner over time.

The scope of this legislative base is extremely broad. These statutes touch upon virtually every Albertan, since we all live and work in structures, utilize devices, or are exposed to potential hazards which are governed by this statutory framework. The program structure supporting these statutes is very complex. Programs encompass everything from education to inspection and standards development. These programs are delivered by the General Safety Services Division of the Department of Labour, in cooperation with local government, manufacturers, contractors, architects, engineers, and standards writing and certification organizations.

## B. PRESENT SITUATION

These statutes address specific portions of the same general safety problem. They vary widely in time of origin, structure and content. This variation has permitted a number of significant inconsistencies to develop. For example, there is no consistent and coherent approach to the role and responsibilities of major participants like local and provincial government, contractors, engineers,

architects, or the owners of facilities. There is no consistent process by which disputes regarding the application of codes and standards can be resolved. There is no uniform approach to the adoption or amendment of standards or codes. There is no overall framework of powers and procedures associated with investigations and enquiries to ensure informed decision making and dispute resolution.

These kinds of weaknesses increase complexity and uncertainty, and in so doing increase the level of risk for Albertans. The design and implementation of risk mitigation programs is restricted by this "patchwork quilt" framework. The obligations of responsible parties constantly vary in accordance with the particular legislative framework most currently relevant. These limitations do not support the efforts of the parties involved in ensuring continued management of risk.

Three general principles underlie the concept of a general safety statute. Italicized statements represent more specific elements that would be embodied in the statute.

1. Partnership in a Safety System

Safety is a complex business. As systems become more integrated, and the speed of technological change quickens, the challenge of managing risk increases. As individuals become more aware of and interested in broad safety issues, and more organizations become involved in safety related matters, responding to risk becomes ever more complex.

This complexity is affected by the rapid pace of change. The availability and distribution of resources, the nature and duration of risk challenges, the capacities of organizations involved in safety matters, and perceptions of what is an unacceptable risk all vary significantly over time.

Complexity and change, in combination, dictate that the legislative framework designed to support risk management ensure that no single institution or organization must cope alone. The framework must be structured to ensure consistent, mutually supportive safety oriented behaviour from a large number of decision makers.

This reality is reflected in Alberta's social policy document "Caring and Responsibility". It recognizes that government must operate in a supportive partnership with Albertans, that Albertans are entitled to expect a high standard of personal safety, and that the provincial government is expected to exercise leadership and overall program responsibility through delivery of resources and support to Albertans. This role is to be exercised in a consistent,

coordinated and effective manner.

In exercising this role in the general safety arena the provincial government must undertake to identify levels of risk and then direct attention to managing situations where risk is both high and unmitigated. *The legislative framework must facilitate focusing of effort on situations that clearly require management of risk.*

Identification of risk, in and of itself, does not mean there must be an immediate, direct intervention by the provincial government. The complexity of the safety system means there are other decision makers who may be better able to manage a particular risk. Since safety is a critical issue the response to risk must not be dependant upon the capacity of any single decision maker. In some cases continued risk management has become dependant upon the capacity of government, or some other institution, to deploy resources. This approach does not recognize the significant capacities and obligations of other decision makers.

Dependence on the capacities of a single institution or approach arise because it is not always possible to be totally confident a particular strategy will produce the precise results expected, especially where there are a number of decision makers involved and the situation is complex and evolutionary. Reliance on a single tactic under these circumstances, in an arena as important as safety, is simply not acceptable. *The legislative framework must recognize and facilitate diversity of approach, encompassing the capacities of a wide range of decision makers. The legislative framework must link safety to the capacities of more than one decision maker.*

Within this overall framework it must be recognized that although government and other decision makers accept responsibility to assist in enhancement of safety through risk management, ultimate accountability for management of risk rests with those who create it. Other decision makers must assist by supporting the risk mitigation efforts of those who create the risk. *The legislative framework must clearly allocate accountability to those who create risk.*

These partnership principles have specific implications for the statutory framework that will best facilitate risk management.

(a) *The statutory base must be practical, reflecting workable relationships between relevant decision makers in keeping with the realities of the general safety environment.* For example, the Canadian Standards System is an effective

mechanism for creating and amending the complex codes of practise needed to enhance safety. Alberta's statutory framework should reflect this reality and ensure timely adoption and amendment of regulations in response to the activities of this standards setting mechanism, with adjustments to reflect the realities of the Alberta environment.

(b) *There must be uniformity of standards and codes and their interpretation.* Albertans must be assured risk is being identified and managed under a province-wide system, and that a consistent standard is being utilized by decision makers. Amendment or enhancement of codes should occur only at the provincial level, in response to changes in interpretation and environment. A uniform process of code adoption should prevail.

(c) *Clear roles must be proscribed for key decision makers.*

(i) Owners are accountable for overall safety since it is they who create risk.

(ii) Architects and Engineers must ensure they design in accordance with relevant safety codes, and that facilities and products are built as designed.

(iii) Contractors/manufacturers must ensure that work is completed by qualified personnel in accordance with designs.

(d) In order to ensure comprehensive long range assessment and mitigation of risk *the provincial government must have the capacity to gather information from other decision makers, review decisions, and maintain an awareness of developments as they occur.*

(e) *The provincial government must have the capacity to intervene where an emergency or clearly imminent danger exists.* In the longer term, the provincial government must have the capacity to ensure situations which create unacceptable risk are effectively managed either through direct action at the provincial level, or through establishment of responsibility frameworks for other decision makers.

2. <u>Straightforward Administration</u>

Simplification of ongoing administrative arrangements is needed to ensure efficient application of resources, consistent application of codes and standards, and straightforward resolution of disputes. Several components of a unified statute can facilitate these objectives.

(a) Risk management programs are not cost free. Implementing quality control, doing design review, deploying inspectors, conducting education programs, and virtually all other types of responses to identified risk require resources. *The statutory framework should clearly create the capacity to allow for cost recovery.* For example, local governments should have the capacity to recover the costs incurred while fulfilling their obligations.

(b) In the complex arena of general safety disputes over the interpretation and application of codes are inevitable. *The statute would provide an effective dispute resolution mechanism. The process would be uniform across the general safety arena.* A single council would make technical rulings. The council would also act as a liaison between government and the safety system, and as an advisory body to the Minister.

(c) Although a wide range of mechanisms can and will be used to ensure effective risk management, actual inspection of facilities and products will continue to be used where risk levels warrant. *The statute would ensure uniform authority and obligations for those undertaking inspection and investigatory roles.*

(d) Failure to fulfill obligations in respect of the safety of Albertans is a serious matter. *Penalties associated with such failures would reflect the importance of the issue.*

(e) The procedures in place under existing statutes have, in some cases, existed for a long time. It will take time to adjust to a unified approach. *There should be a relatively long transition period, giving all parties time to adjust.*

3. <u>Equitable Distribution of Obligations and Accountability</u>

It has been previously indicated that the general safety system is a complex arena. Although the provincial government establishes the framework it does so with reference to appropriate roles for other decision makers, recognizing that overall safety should not be contingent upon the capacity of a single institution to deliver resources.

(a) *The statute should permit the Lieutenant Governor in Council to empower decision makers within the general safety system to undertake specific functions, with terms and conditions proscribed, including the capacity to aggregate resources where*

*necessary*. For example, a local government could be empowered to enforce all or part of the general safety statute, either on its own or in conjunction with other governments. A training institution could be authorized to provide a certified safety inspector training program in accordance with a proscribed curriculum, or a group of manufacturers could be authorized to test welders in accordance with a proscribed code. In each case the role would be proscribed in accordance with the risk to be managed, and the capacities of the decision makers involved.

(b) The current interface between provincial and local government in the general safety arena is not equitable or consistent. In some cases local governments with limited capacity are providing a wide range of inspection and related services, while others with much greater capacity have similar services delivered by the provincial government. *The statute would allow for creation, through regulation, of a "responsibility" framework, that should clarify and rationalize the interface between governments in a manner that fairly reflects the capacities of each within the overall framework of risk management. This would be developed in consultation with local government.*

(c) Liability is a concern for regulatory decision makers, especially at the local level. The statute should *ensure that individuals and organizations which fulfill their roles in good faith, and undertake their obligations in a manner that is not negligent or arbitrary, are protected.*

(d) Safety standards have an economic dimension that must be recognized. Meeting standards can alter the distribution and magnitude of costs associated with an undertaking. The statute should permit *adoption of national standards varied in recognition of unique circumstances in Alberta*. The Alberta regulatory framework will reflect Alberta circumstances.

**SUMMARY OF PRINCIPLES**
**UNIFORM GENERAL SAFETY SERVICES ACT**

1. *The statute will facilitate focusing of effort on situations that clearly require management of risk. Current disjointed statutory base makes this impossible.*

2. *The statute would recognize and facilitate diversity of approach, encompassing the capacities of a wide range of decision makers. The legislative framework would link safety to the capacities of more than one decision maker, since many institutions operate in the safety arena. Critical role played by the provincial government would decline as others take on more accountability.*

3. *The statute will clearly allocate accountability to those who create risk and will ensure clear roles are proscribed for key decision-makers. Current statutes are inconsistent regarding roles for owners, for example.*

4. *There will be uniformity of standards and codes and their interpretation: all Albertans will be subject to consistent standards.*

5. *The statute would ensure the provincial government has the capacity to intervene where an emergency, clearly imminent danger or unacceptable risk exist. This is not clearly and consistently outlined in existing statutes.*

6. *The statute would ensure the provincial government has the capacity to gather information from other decision makers, review decisions and maintain an awareness of developments.*

7. *The statute would permit the Lieutenant Governor in Council to empower decision makers within the general safety system to undertake specific functions, within terms and conditions proscribed, including the capacity to aggregate resources in order to deliver safety programs.*

8. *The statute would allow for creation, through regulation, of a "responsibility" framework that would clarify and rationalize the interface between governments in a manner that fairly reflects the capacities of each within the overall framework of risk management. This would be developed in consultation with local government which would take on responsibilities commensurate with available resources. Current interface with local government is totally inconsistent.*

9. *The statute would provide an effective dispute resolution mechanism. The process would be uniform. Current statutes provide a variety of mechanisms, confusing clients.*

10. *The statute would ensure that individuals and organizations which fulfil their roles in good faith, and undertake their obligations in a manner that is not negligent or arbitrary, are protected. Liability is a major concern for many parties at present.*

11. *The statutory framework would clearly create the capacity for cost recovery.*

12. *The statute would permit adoption of national standards, varied in recognition of unique circumstances in Alberta.*

13. *The statute would ensure uniform authority and obligations for those undertaking inspection and investigatory roles. Current statutes are inconsistent.*

14. *Penalties would reflect the importance of safety for Albertans.*

15. *There would be a relatively long transition period, giving all parties time to adjust.*